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THE WORKS OF JOEL BARLOW

Volume I: Prose

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THE WORKS

OF

JOEL BARLOW

IN TWO VOLUMES

VOLUME I: PROSE

FACSIMILE REPRODUCTIONS
WITH AN INTRODUCTION
BY

WILLIAM K. BOTTORFF

AND

ARTHUR L. FORD

GAINESVILLE, FLORIDA
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HARRY R. WARFEL, GENERAL EDITOR

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HARRY R. WARFEL: *The Vision of Columbus.*

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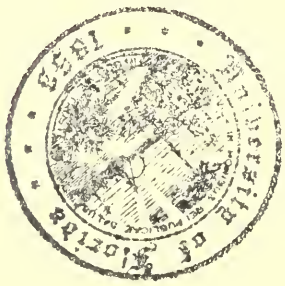

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INTRODUCTION

In the Harvard University Library there exists in manuscript a plan for the printing of the works of Joel Barlow. The manuscript is in Barlow's hand, and specifies that the collection was to consist of two volumes. That plan was never executed, nor does it seem proper to follow it precisely now. Finally, however, Barlow is to be represented in a two-volume collection, one of prose, one of poetry. The present edition offers, in fact, a fuller selection of Barlow's writings than his own plan allowed for.

This is especially true in regard to the poetry, for Barlow had not intended to include *The Prospect of Peace, A Poem Spoken at Commencement,* or *The Vision of Columbus,* all three of which contain ideas and motifs later incorporated into his imposing epic *The Columbiad.* (For a detailed collation of portions of all four poems, see Theodore A. Zunder, *The Early Days of Joel Barlow,* New Haven, 1934, pp. 57-58, 134, 274.) Likewise Barlow failed to mention his *A Translation of Sundry Psalms . . . Omitted in Dr. Watts's Version;*

to which Is Added a Number of Hymns; these are now reprinted (not to be confused with Barlow's *revision* of Watts, 1785, which went through many editions of some 300 pages each.) This booklet of Psalms and hymns was apparently the result of a collaboration, probably including Lemuel Hopkins and John Trumbull, and possibly others. Ever since the booklet's appearance various commentators have attributed specific Psalms to their favorite poets quite arbitrarily. There seems to be no way to be certain in assigning the Psalms (though Barlow's writing of the hymns has not been disputed) except to say that Barlow definitely oversaw the whole project, had final judgment of the versifications and, after all, printed them under his name alone.

One item of poetry Barlow had meant to republish is omitted here, in keeping with our policy to reprint only works previously separately published (i.e., omitting fugitive pieces, MSS; and government documents, broadsides and translations as well). It is his "Ode on Captain Lewis," and has been reproduced, with a discussion and a poetic rebuttal by J. Q. Adams, in Lewis P. Simpson, ed., *The Federalist Literary Mind,* Baton Rouge, 1962, pp. 58-59. His "Advice to a Raven in Russia," from the last month of his life, is not reprinted here, but appears in James Woodress's excellent biography, *A Yankee's Odyssey,* Philadelphia, 1958, pp. 338-39.

The prose selections here are nearly identical to Barlow's plan, except that Gregoire's letter connected

with Barlow's public epistle to him are omitted; and Barlow's "Letter on the Life of Thomas Paine" is not included (reprinted in Russel B. Nye and Norman S. Grabo, eds., *American Thought and Writing,* II, *The Revolution and the Early Republic,* Boston, 1965, 160-62). The selections in both prose and poetry allow the present edition to be quite representative of Barlow's development and to picture him fully as a political commentator and as a poet.

It has been asserted that Barlow's "prose writing contributed largely to the triumph of Republicanism in 1800," and that his first letter to the French National Convention "will compare favorably with any state paper of the age" (Charles Burr Todd, *Life and Letters of Joel Barlow,* New York, 1886, pp. iii, 96). And of course his *Advice to the Privileged Orders* has always been even more highly thought of (reprinted by Cornell University Press, 1956). It clearly ranks with his friend Thomas Paine's *The Rights of Man* as a defense of reason and natural rights, and as an answer to Edmund Burke's *Reflections on the Revolution in France.* John Dos Passos asserts that the *Advice* "had great influence in Europe" and lent strength to the campaign for Jefferson in 1800 (*The Ground We Stand On,* New York, 1941, p. 307.) Paine himself delivered Barlow's *Letter* to the Convention, which spells out his democratic suggestions, based largely on the American form of government. For this effort Barlow was made an honorary citizen of France, a distinction also held only by Paine, Hamilton, Madison, and Washington. (For

further discussion of this aspect of Barlow's thinking, see Victor C. Miller's *Joel Barlow: Revolutionist London, 1791-92,* Hamburg, 1932.)

The prose editions reprinted here are the first in every case except the *Letter to the People of Piedmont,* first published in French in 1793; and the two *Letters to the Citizens of the United States,* probably first published in 1799 or 1800. The 1806 edition of the *Letters* used here includes Barlow's letter to Washington (1798), which often appeared in periodicals (and which is reproduced entire in Dos Passos, pp. 346-58).

The poetry selections are likewise from first editions (but see Jacob Blanck, *Bibliography of American Literature,* I, New Haven, 1955, 176-78 for a discussion of editions of *The Hasty Pudding*), except for *The Columbiad* (originally 1807). Reprinted here is the final edition of the epic, with Barlow's revisions, issued at his beloved "Washington City" in 1825. It is a genuine coda to his career as a poet. (It should be noted that *The Prospect of Peace* was first published in 1778, in spite of the later date shown in the first edition, a fact established by Zunder, pp. 251-52; the Hosmer Elegy was first published in 1782. See Zunder, p. 277.)

Concerning Barlow's reputation as a poet it has been asserted that *The Vision of Columbus* was "the first important poem distinctively American in subject and authorship ever projected," and that, largely because of it, "His verse first gave American poetry a standing abroad" (Todd, pp. 15, iii). A letter from London,

dated 1788, remarks: "N. B. Barlow the Poet Laureate of all America is here, and is well spoken of" (Charles Kirby to Elias Shipman, Esq., A.L.S. in Yale University). But also in 1788 one Peter Markoe vilified the poem in a series of couplets that ends, "Proceed, great bard! and let thy potent strain/Creep over mountain, river, lake and plain,/From *Greenland's* ice to *Horn's* tempestuous shore,/Till all Columbians like this poet snore!"

The Columbiad had equally rough going, sometimes lauded, sometimes attacked, as by Noah Webster in a private letter to Barlow, and by Gregoire publicly. In 1843 Rufus W. Griswold wrote, "The London 'Monthly Magazine' attempted, in an elaborate article, to prove [*The Columbiad*] . . . in the first class of epics, and expressed a belief that it was surpassed only by the 'Iliad,' and 'Æneid,' and 'Paradise Lost.' In America, however, it was regarded by the judicious as a failure, and reviewed with even more wit and severity than in England" ("Curiosities of American Literature," p. 60, in I. C. D'Israeli, *Curiosities of Literature, and the Literary Character Illustrated,* New York, 1849. For further review of critical opinion on the epic see Woodress, pp. 266 ff. And for the only full-length critical study of Barlow see Arthur L. Ford's *Joel Barlow,* Twayne's United States Authors Series, forthcoming.)

Most of the attacks were not literary but political or religious; it was said that Barlow was either a poor patriot or an atheist, sometimes both. As far back as 1785 Oliver Arnold had raged at Barlow's edition of

Watts: "You've proved yourself a sinful cre'tur;/You've murder'd Watts and spoil'd the metre;/You've tried the word of God to alter,/And for your pains deserve a halter." (Quoted in Frank Moore, ed., *Songs and Ballads of the American Revolution,* New York, 1856, p. 82, and in Woodress, p. 80.) Barlow often maintained that he was a Christian, and his collaboration in the writing of the mock-epic *The Anarchiad* (1786-87) was the peak of his conservatism (see Milton Cantor, "The Life of Joel Barlow," unpub. diss., Columbia Univ., 1954; for his share in *The Anarchiad,* see the SF&R edition, 1967, William K. Bottorff, ed.). Yet, in his Hartford newspaper *The American Weekly* (1784-85), he frequently appeared as an anti-slavery spokesman, seeking for the Negro a share in the natural rights that eighteenth-century intellectuals loved to speak of. And there is no question that he adopted deism and Jeffersonian liberalism from about 1788 on. Perhaps Leon Howard is correct in concluding, "And the clash between legalistic and humanitarian thinking which Joel Barlow experienced suggests one of the reasons for the intellectual turmoil of the era" (*The Connecticut Wits,* Chicago, 1943, p. 4).

In many ways Joel Barlow represented the versatile man found with frequency in the early years of the American republic. A 1778 graduate of religiously conservative Yale College, Barlow devoted most of the fifty-eight years of his life to serving his country in various diplomatic capacities and to pursuing his many commercial, political, and poetic interests.

After gaining the position of class poet at Yale and serving as chaplain of the Third Massachusetts Brigade during the Revolution, young Barlow decided to give his life to poetry, a career not likely to support a poet to say nothing of the family he and his bride, Ruth Baldwin Barlow, were planning. While composing his long philosophical poem, *The Vision of Columbus,* on which he spent nearly eight years before its publication in 1787, Barlow experimented with other ways of making a living, including the co-editorship, along with Elisha Babcock, of the Hartford, Connecticut, *The American Mercury,* and publication of several religious and educational volumes, such as the third part of Noah Webster's *A Grammatical Institute of the English Language,* his own new edition of *Watts's Psalms,* and an almanac, always a good seller.

In December of 1785, after a year and a half of partnership, the firm of Barlow and Babcock was dissolved, and Barlow began to study for his bar examination which he passed in 1786. It was in the course of his duties as a lawyer that he left for Europe in 1788 not to return for seventeen years. Before his departure, however, he had seen his *Vision* published in 1787 and, in the previous year, had collaborated with David Humphreys, John Trumbull, and Lemuel Hopkins to produce the satiric *Anarchiad.* These four, plus Timothy Dwight and several other less prominent figures, comprise the group known to literary historians as the Connecticut Wits or the Hartford Wits. Calvinistic in religion, Federalistic in politics, and stylistically im-

itative in literature, they composed the first literary "school" in American literature and, in their nationalistic zeal, spoke out strongly for a native American literature and for America's future greatness.

Barlow's seventeen years abroad were to change him, however, from a conservative Connecticut Wit to a Jeffersonian deist; no greater change was then conceivable. Although arriving in France to represent a disreputable land-selling group composed of the Ohio Company and the Scioto Associates, Barlow quickly became enmeshed in French, English, and trans-Atlantic politics. An eyewitness to the rise and fall of democracy in France, Barlow spoke forth as a newly-converted radical. The year 1792 saw three important statements published by Barlow: *Advice to the Privileged Orders, The Conspiracy of Kings,* and *Letter to the National Convention.* In the *Advice* Barlow describes the democratic revolution that was transforming the world and advises the privileged orders to accept this change as inevitable, a warning that is reiterated in *The Conspiracy of Kings,* a rather labored satiric poem.

In spite of the increasing violence of the French democracy, Barlow retained his faith in the revolution. In fact, while other liberals were becoming disenchanted, Barlow decided to run for office as a delegate to the National Convention from Savoy in Southeast France. During his electioneering in 1793, he wrote *A Letter to the People of Piedmont* in which he urges this Italian province, which lay next to Savoy, to accept annexation

to France, arguing once more the virtues of French republicanism. Although unsuccessful in his bid for office, Barlow became acquainted with a section of France similar in geography to his native New England. Nostalgia was strong when he was unexpectedly served a dish of corn meal mush, known widely and affectionately in New England as hasty pudding. In a moment of whimsicality and homesickness, Barlow composed "The Hasty Pudding," a mock heroic on the virtues of this New England favorite, and a poem destined to be Barlow's most popular composition.

The next few years were occupied by an interest in submarine and steamboat experiments conducted by his close friend, Robert Fulton, and by important diplomatic missions as France and the United States seemed to move inexorably toward war. Barlow worked feverishly to avoid this confrontation and urged restraint on the part of the American people in two "Letters from Paris, to the Citizens of the United States" in 1799. His attack on the Federalists who were pushing Adams to declare war on France and his reputation as a deist produced a volume of bitter attacks on Barlow by his former friends in Connecticut, including his old Yale classmate, Noah Webster. Even though his former acquaintance and sympathizer, Thomas Jefferson, was elected president in 1800, Barlow's reputation had not yet recovered when he and his wife returned to America in 1804.

From 1804 to 1811 Barlow resided in Washington, giving advice freely to two presidents. His *Prospectus*

of a National Institution (1806) was several generations ahead of its time in its proposal to establish an educational and research center in Washington. In addition to this prototype of the modern university, Barlow proposed for his institute a number of technical and military schools, a national library, a museum, and an archives building.

For several years Barlow had been working on a major revision of *The Vision of Columbus,* and in 1807 he published in a lavish edition *The Columbiad.* Longer and, unfortunately, duller and more pretentious than the *Vision, The Columbiad* underwent a number of important changes that reflected the change in Barlow himself over the previous twenty years. References to religion were usually deleted and the progress of civilization and particularly America was attributed to "Moral Science" in accordance with the rationalistic deism of the day. The nationalism of the poem was strengthened with an increased emphasis on Revolutionary figures and heroisms and with the introduction of many new American spellings. The admitted epic form of the poem, with all the trappings, underscored the turgidity of the original *Vision.* This was Barlow's self-professed greatest gift to his country.

As a public figure during these years Barlow was often asked to commemorate important occasions by composing a suitable piece of poetry or prose. In 1807 Barlow produced perhaps his best piece of prose and his worst piece of poetry for occasions such as this. His "Oration at Washington" was an unexpectedly good

example of Fourth of July oratory. Still predicting the future glory of America, Barlow placed his hope for this future, as did Jefferson and many other leading figures, on the education of the electorate. At the other extreme was the poem Barlow wrote for the testimonial dinner given in honor of Captain Merriwether Lewis, just returned from his mapping expedition of the Louisiana Territory. The poem was filled with awkward pentameters and outlandish praise which embarrassed Lewis and simply amused everyone else.

Although comfortably and happily situated in his Washington home, Kalorama, Barlow agreed in 1811 to serve as minister to France in order to work out a treaty with Napoleon. Before leaving for Europe, he became involved in one more political controversy. Robert Smith, Madison's bumbling Secretary of State, was dismissed in 1811 due to his fundamental differences with the foreign policy that the administration was pursuing. In retaliation Smith published a pamphlet in which he attacked the president and made public certain confidential material. Barlow was chosen to reply and did so in "A Review of Robert Smith's Address" with a vigor that recalled his pamphleteering days in France and England.

Barlow's months in France were frustrating ones. Ignored by Napoleon and shuttled back and forth by the dictator's subordinates for over a year, Barlow finally was summoned to Lithuania for discussion of the treaty. By the time he arrived, however, Napoleon was on the verge of disaster and, during the ensuing

retreat across a bleak northern Europe, Barlow died of pneumonia in Poland on December 21, 1812. Between a small village in Connecticut where Barlow was born and a small village in Poland where he still lies buried, a lifetime of amazing variety was lived out. Diplomat, lawyer, minister, publisher, pamphleteer, businessman, and poet, Joel Barlow, in his transformation from conservative to liberal, from Federalist to Jeffersonian Democrat, from Calvinist to deist, reflected the vast changes that had taken place in a young and growing country.

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A N

O R A T I O N,

DELIVERED AT THE NORTH CHURCH IN HARTFORD,

AT THE MEETING OF THE

CONNECTICUT SOCIETY

OF THE

CINCINNATI,

JULY 4th, 1787.

IN COMMEMORATION OF THE

INDEPENDENCE of the UNITED STATES.

BY JOEL BARLOW, ESQUIRE.

HARTFORD:

PRINTED BY HUDSON AND GOODWIN, NEAR THE BRIDGE.

At a meeting of Connecticut State Society of the Cincinnati, at Hartford, 4th July 1787.

VOTED, That Col. TRUMBULL and Col. HUMPHREYS be a Committee to wait on Mr. BARLOW, to return the thanks of this Society for his Oration delivered this day----And to desire a copy that it may be printed.

A true copy,

J. TRUMBULL, *Sec'ry.*

An ORATION, &c.

Mr. President,

Gentlemen of the Society,

And Fellow Citizens,

ON the Anniverſary of ſo great an event as the birth of the Empire in which we live, none will queſtion the propriety of paſſing a few moments in contemplating the various objects ſuggeſted to the mind by the important occaſion. But at the preſent period, while the bleſſings, claimed by the ſword of victory and promiſed in the voice of peace, remain to be confirmed by our future exertions—while the nouriſhment, the growth, and even the exiſtence of our empire depend upon the united efforts of an extenſive and divided people—the duties of this day aſcend from amuſement and congratulation to a ſerious patriotic employment.

WE are aſſembled, my friends, not to boaſt, but to realize—not to inflate our national vanity by a pompous relation of paſt atchievements in the council or in the field; but, from a modeſt

retroſpect

retrospect of the truly dignified part already acted by our countrymen, from an accurate view of our present situation, and from an anticipation of the scenes that remain to be unfolded—to discern and familiarize the duties that still await us, as citizens, as soldiers and as men.

Revolutions in other countries have been effected by accident. The faculties of human reason and the rights of human nature have been the sport of chance and the prey of ambition. And when indignation has burst the bands of slavery, to the destruction of one tyrant, it was only to impose the manacles of another. This arose from the imperfection of that early stage of society, which necessarily occasioned the foundation of empires on the eastern continent to be laid in ignorance, and which induced a total inability of foreseeing the improvements of civilization, or of adapting the government to a state of social refinement.

I shall but repeat a common observation when I remark, that on the western continent the scene was entirely different; and a new task, totally unknown to the legislators of other nations, was imposed upon the fathers of the American Empire.

Here was a people thinly scattered over an extensive territory, lords of the soil on which they trod, commanding a prodigious length of coast and an equal breadth of frontier—a people habituated to liberty, professing a mild and benevolent

religion

religion, and highly advanced in ſcience and civilization. To conduct ſuch a people in a revolution, the addreſs muſt be made to reaſon as well as to the paſſions. And to reaſon, to the clear underſtanding of theſe variouſly affected colonies the ſolemn addreſs was made.

A PEOPLE thus enlightened, and capable of diſcerning the connection of cauſes with their remoteſt effects, waited not the experience of oppreſſion in their own perſons; which they well knew would render them leſs able to conduct a regular oppoſition. But in the moment of their greateſt proſperity, when every heart expanded with the increaſing opulence of the Britiſh-American dominions, and every tongue united in the praiſes of the parent State and her patriot king, when many circumſtances concurred which would have rendered an ignorant people ſecure and inattentive to their future intereſts—at this moment the eyes of the American Argus were opened to the firſt and moſt plauſible invaſion of the colonial rights.

IN vain were we told, and perhaps with the greateſt truth and ſincerity, that the monies levied in America were all to be expended within the country, and for our benefit: Equally idle was the policy of Great-Britain in commencing their new ſyſtem by a ſmall and almoſt imperceptible duty, and that upon very few articles. It was not the quantity of the tax, it was not the mode of appropriation, but it was the *right of the de-*

 mand,

mand, which was called in queſtion. Upon this the people deliberated, this they diſcuſſed in a cool and diſpaſſionate manner, and this they oppoſed, in every ſhape that an artful and ſyſtematic miniſtry could deviſe, for more than ten years, before they aſſumed the ſword.

This ſingle circumſtance, aſide from the magnitude of the object or the event of the conteſt, will ſtamp a peculiar glory on the American revolution, and mark it as a diſtinguiſhed æra in the hiſtory of mankind; that ſober reaſon and reflection have done the work of enthuſiaſm and performed the miracles of gods. In what other age or nation has a laborious agricultural people, at eaſe upon their own farms, ſecure and diſtant from the approach of fleets and armies, tide-waiters and ſtamp-maſters, *reaſoned* before they have *felt*, and from the dictates of duty and conſcience, encountered dangers, diſtreſs and poverty, for the ſake of ſecuring to poſterity a government of independence and peace? The toils of ages and the fate of millions were to be ſuſtained by a few hands. The voice of unborn nations called upon them for ſafety; but it was a *ſtill ſmall voice*, the voice of rational reflection. Here was no Cromwell to inflame the people with bigotry and zeal, no Cæſar to reward his followers with the ſpoils of vanquiſhed foes, and no territory to acquire by conqueſt. Ambition, Superſtition and Avarice, thoſe univerſal torches of war, never illumined an American

field

field of battle. But the permanent principles of ſober policy ſpread through the colonies, rouſed the people to aſſert their rights, and conducted the revolution.

It would be wandering from the objects which ought to occupy our preſent attention, * again to recount the numerous acts of the Britiſh Parliament which compoſe that ſyſtem of tyranny deſigned for the ſubjugation of America: Neither can we indulge in the detail of thoſe memorable events which marked our various ſtages of reſiſtance, from the glooms of unſucceſsful ſupplication, to the ſplendor of victory and acknowledged ſovereignty. The former were the theme of ſenatorial eloquence, producing miracles of union and exertion in every part of the continent, till we find them preſerved for everlaſting remembrance in that declaratory Act of Independence, which gave being to an empire and dignified the day we now commemorate; the latter are freſh in the memory of every perſon of the leaſt information. It would be impertinence, if not a breach of delicacy, to attempt a recital of thoſe glorious achievements, eſpecially before an audience, part of whom have been diſtinguiſhed actors in the ſcene, others the anxious and applauding ſpectators. To the faithful hiſtorian we reſign the taſk; the hiſtorian, whom it is hoped the preſent age will deem it

* This Oration was preceded by the lecture of the Act of Independence; which, by an order of this State Society, is in future to make part of their public exerciſes at every annual meeting.

it their duty as well as their interest, to furnish, encourage and support.

WHATEVER praise is due for the task already performed, it is certain that much remains to be done. The revolution is but half completed. *Independence* and *Government* were the two objects contended for, and but one is yet obtained. To the glory of the present age and the admiration of the future, our severance from the British empire was conducted upon principles as noble as they were new, and unprecedented in the history of human actions. Could the same generous principles, the same wisdom and unanimity be exerted in effecting the establishment of a permanent fœderal system, what an additional lustre would it pour upon the present age! a lustre hitherto unequalled; a display of magnanimity, for which mankind may never behold another opportunity.

WITHOUT an efficient government our Independence will cease to be a blessing. Shall that glow of patriotism and unshaken perseverance, which have been so long conspicuous in the American character, desert us at our utmost need? Shall we lose sight of our own happiness, because it has grown familiar by a near approach? Shall thy labours, O Washington, be bestowed in vain? Hast thou conducted us to independence and peace, and shall we not receive the blessings at thy hands? Where are the shades of our fallen friends? and what is their

language

language on this occaſion? *Warren*, *Montgomery*, *Mercer*, *Wooſter*, *Scammel* and *Laurens*, all ye hoſts of departed heroes! rich is the treaſure you have laviſhed in the cauſe, and prevalent the price you have paid for our freedom. Shall the purchaſe be neglected? the fair inheritance lie without improvement, expoſed to every daring invader? Forbid it, honour, forbid it, gratitude; and oh, may Heaven avert the impending evil.

In contemplating the price of our Independence, it will never be forgotten that it was not entirely the work of our own hands; nor could it probably have been eſtabliſhed, in the ſame term of time, by all the blood and treaſure, that America unaſſiſted was able to furniſh for the conteſt. Much of the merit is due, and our warmeſt acknowledgments will ever flow to that illuſtrious Monarch, the father of nations and friend of the diſtreſt; that Monarch, who by his early aſſiſtance taught us not to diſpair, and, when we had given a ſufficient proof of our military virtue and perſeverance, who joined us in alliance upon terms of equality, gave us a rank and credit among the maritime nations of Europe, and furniſhed fleets and armies; money and military ſtores, to put a ſplendid period to the important conflict.

Where ſhall we find language to expreſs a nation's gratitude for ſuch unexampled goodneſs and magnanimity? my friends, it is not to be done with language. Our ſenſe of obligation

 for

for favours received from Heaven is beſt expreſſed by a wiſe improvement. Does Louis aſk for more? and can duty be ſatisfied with leſs? Unite in a permanent fœderal government; put your commerce upon a reſpectable footing; your arts and manufactures, your population, your wealth and glory will increaſe: and when an hundred millions of people are compriſed within your territory and made happy by your ſway, then ſhall it be known that the hand of that monarch aſſiſted in planting the vine from which ſo great a harveſt is produced. His generous heart ſhall exult in the proſpect, his royal deſcendants, fired by the great example, ſhall imitate his virtues, and the world ſhall unite in his praiſe.

Here ſhall that pride of the military character, the gallant Fayette, find his compenſation for a life of diſintereſted ſervice; whoſe toils have not ceaſed with the termination of the war, and whoſe ſucceſsful endeavours to promote our intereſt in commercial and political arrangements, can only be equalled by his achievements in the field. How will the poſterity of that nobleman, and that of the other brave officers of his nation who have fought by your ſides, on reviewing the American hiſtory, rejoice in the fame of their fathers; nor even regret the fate of thoſe who bled in ſo glorious a field!

An acknowledgement of the merits of Rochambeau and Chaſtellux, D'Eſtaing, De Graſſe and De Barras, and the other heroes of the French army and navy—affection to other memory of

of our brethren and companions who have bled in our battles—reverence to the advice of our illustrious Commander in Chief, and of all those sages and patriots who have composed our councils, from the time of the first Congress to the present moment—honour to our worthy creditors in Europe—a regard to the conduct of the Imperial Sovereigns of Russia and Germany, who evince to the world that they revere the cause of liberality and human happiness in which we drew the sword—a respect to the memory of the venerable Frederick of Prussia, whose dying hand put the signature to a treaty of commerce with the United States upon the most liberal principles that ever originated in a diplomatic council—a sacred regard to ourselves and to all posterity—and above all, a religious gratitude to our heavenly Benefactor, who hath hitherto smiled upon our endeavours—call upon us, in the language of a thousand tongues, for firmness, unanimity and perseverence, in completing the revolution and establishing the empire.

The present is justly considered an alarming crisis; perhaps the most alarming that America ever saw. We have contended with the most powerful nation and subdued the bravest and best appointed armies; but now we have to contend with *ourselves*, and encounter passions and prejudices more powerful than armies and more dangerous to our peace. It is not for glory, it is for existence that we contend.

Much is expected from the Fœderal Convention now sitting

at Philadelphia; and it is a happy circumſtance that ſo general a confidence from all parts of the country is centred in that reſpectable Body. Their former ſervices as individuals command it, and our ſituation requires it. But although much is expected from them, yet more is demanded from ourſelves.

The firſt great object is to convince the people of the importance of their preſent ſituation; for the majority of a great people, on a ſubject which they underſtand, will never act wrong. If ever there was a time, in any age or nation, when the fate of millions depended on the voice of one, it is the preſent period in theſe ſtates. Every free citizen of the American Empire ought now to conſider himſelf as the legiſlator of half mankind. When he views the amazing extent of territory, ſettled and to be ſettled under the operation of his laws —when, like a wiſe politician, he contemplates the population of future ages; the changes to be wrought by the poſſible progreſs of arts, in agriculture, commerce and manufactures; the increaſing connection and intercourſe of nations, and the effect of one rational political ſyſtem upon the general happineſs of mankind—his mind, dilated with the great idea, will realize a liberality of feeling which leads to a rectitude of conduct. He will ſee that the ſyſtem to be eſtabliſhed by his ſuffrage is calculated for the great benevolent purpoſes of extending peace, happineſs and propreſſive improvement to a large proportion of his fellow creatures. As there is a probability that the ſyſtem to be propoſed by the Convention may anſwer this deſcrip-

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tion, there is ſome reaſon to hope it will be viewed by the people with that candour and diſpaſſionate reſpect which is due to the importance of the ſubject.

While the anxiety of the feeling heart is breathing the perpetual ſigh for the attainment of ſo great an object, it becomes the ſtrongeſt duty of the ſocial connexion, to enlighten and harmonize the minds of our fellow citizens, and point them to a knowledge of their intereſts, as an extenſive fœderal people and fathers of increaſing nations. The price put into their hands is great, beyond all compariſon; and, as they improve it, they will entail happineſs or miſery upon a larger proportion of human beings, than could be affected by the conduct of all the nations of Europe united.

Those who are poſſeſſed of abilities or information in any degree above the common rank of their fellow citizens are called upon by every principle of humanity, to diffuſe a ſpirit of candour and rational enquiry upon theſe important ſubjects.

Adams, to his immortal honour and the timely aſſiſtance of his country, has ſet the great example. His treatiſe in defence of the conſtitutions, though confined to the State Republics, is calculated to do infinite ſervice, by correcting thouſands of erroneous ſentiments ariſing from our inexperience; ſentiments, which if uncorrected in this early ſtage of our political exiſtence, will be the ſource of calamities without meaſure and without end. Should that venerable philoſopher and ſtateſman be

induced to continue his enquiries, by tracing the hiſtory of Confederacies, and, with his uſual energy and perſpicuity, delineate and defend a ſyſtem adapted to the circumſtances of the United States—I will not ſay he could deſerve more from his diſtreſt country, but he would crown a life of patriotic labours and render an eſſential additional ſervice to the world.

While America enjoys the peculiar felicity of ſeeing thoſe who have conducted her councils and her battles retire like Cincinnatus to the humble labours of the plough, it muſt be remembered, that ſhe there expects a continuance of their patriotic exertions. The Society of the Cincinnati, eſtabliſhed upon the moſt benevolent principles, will never loſe ſight of their duty, in rendering every poſſible aid, as citizens, to that community which they have defended as ſoldiers. They will rejoice, that, although Independence was the reſult of force, yet Government is the child of reaſon. As they are themſelves an example of the nobleſt effort of human nature, *the conqueſt of ſelf*, in obeying the voice of their country and exchanging the habits, the ſplendor and importance of military life, for domeſtic labour and poverty; they will readily inculcate on others the propriety of ſacrificing private and territorial advantages to the good of the great majority, the ſalvation of the United States.

Slaves to no party, but ſervants of the whole, they have wielded the ſword of every State in the Union and bled by the ſide

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of her ſons. Their attachments are as extenſive as their labours. FRIENDSHIP and CHARITY the great pillars of their Inſtitution will find their proper objects through the extended territory, and ſeek the happineſs of all.

WHILE we contemplate the endearing objects of our aſſociation, and indulge in the gloomy pleaſure of recollecting that variety of ſuffering which prompted the ſympathetic ſoldier to inſtitute this memorial of his friendſhip, fraternal affection recalls the ſcene of parting, and enquires with ſolicitude the fate of our beloved companions.

SINCE the laſt anniverſary, the death of General Howe has diminiſhed the number of our brethren and called for the tribute of a tear. With ſome of the foibles incident to human nature, he poſſeſſed many valuable accompliſhments. His natural good underſtanding he had imbelliſhed with conſiderable attention to polite literature. As a ſoldier, he was brave; as an officer, attentive to diſcipline; he commanded with dignity and obeyed with alacrity, and whatever talents he poſſeſſed were uniformly and cheerfully devoted to the ſervice of his country.

BUT a few weeks previous to that period, the much lamented deaths of Tilghman and M'Dougall were ſucceſſively announced, and the tidings received with a peculiar poignancy of grief. What citizen of the American empire does not join the general voice of gratitude, when contemplating the merits

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of thoſe diſtinguiſhed officers; and ſwell the tide of ſympathy with his bereaved country, when deprived of their future aſſiſtance? They were ornaments to the States in which they lived, as well as to the profeſſion in which they acquired their glory.

Amiable and heroic Tilghman! ſhort was the career of thy fame, but much haſt thou performed for thy country. Of thee ſhall it ever be remembered, that no ſocial virtue was a ſtranger to thy breaſt, and no military achievement too daring for thy ſword. While we condole with thy afflicted father for the loſs of ſo dear a ſon, permit the tear of friendſhip to flow for its own bereavement. And as oft as the anniverſary of this day ſhall aſſemble the companions of thy life to rejoice in the freedom of their country, they ſhall mingle a ſigh to thy laſting memory and bewail thy untimely fate.

Untimely alſo was the death of the brave and the patriotic M'Dougall. Though many years were worn away in his unremitted labours for the public ſafety—though his early and decided exertions againſt the claims of Great-Britain had an eſſential influence in determining the conduct of the Province in which he reſided—though he was the nerve of war, the wiſdom of council and one of our principal ſupporters in the acqueſt of Independence—yet theſe but ſhow us the neceſſity of ſuch characters in eſtabliſhing the bleſſings of the acquiſition. While it ſhall require the ſame wiſdom and unſhaken fortitude, the ſame patience and perſeverence to rear the fabric of our empire,

pire, as it did to lay the foundation, Patriotism and Valour in sympathetic affection will bemoan the loss of M'Dougall.

Happy would it be for America, thrice happy for the feelings of sorrowing friendship, could the list of our deceased companions be closed even with the names of those worthy heroes. But Heaven had bestowed too much glory upon the life of the favourite Greene, to allow it a long duration.

My affectionate Auditory will anticipate more than can be uttered, in the melancholy duty of contemplating his distinguished excellence. To any Assembly that could be collected in America, vain would be the attempt, to illustrate his character or embellish the scene of his exploits. It is a subject to be felt, but not to be described. To posterity indeed it may be told, as an incentive to the most exalted virtue and astonishing enterprize, that the man, who carried in his native genius all the resources of war, and the balance of every extreme of fortune—who knew the advantages to be derived from defeat, the vigilance of military arrangement, the rapidity and happy moment of assault, the deliberate activity of battle, and the various important uses of victory—that the man who possessed every conceivable quality of a warrior, was, in his public and private character, without a foible or a fault: That all the amiable as well as heroic virtues were assembled in his soul, and that it was the love of a rational and enlightened age, and not the stupid stare of barbarity, that expressed his praise.

The map of America may designate the vast extent of con-

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quered country recovered by his ſword: The future traveller in the Southern States may be pointed by the peaſant to the various regions containing monuments of his valour and his ſkill; where, amid his marches and countermarches, his ſtudied retreats and his rapid approaches, every advantage given to the enemy was reſumed with tenfold utility and certain conqueſt: The hiſtoric Muſe, as a legacy to future ages, may tranſmit with heroic dignity the feats of her favourite Chief: But who ſhall tranſmit the feelings of the heart, or give the more intereſting repreſentation of his worth? The *hero* will remain, but the *man* muſt be loſt.

The grief of his bereaved conſort, aggravated by the univerſal teſtimony of his merit, we hope will receive ſome alleviation from the ardent ſympathy of thouſands, whoſe hearts were penetrated with his virtues, and whoſe tears would have flowed upon his hearſe.

But we will not open afreſh the wounds, which we cannot cloſe. The beſt eulogium of the good and great is expreſſed by an emulation of their virtues. As thoſe of the illuſtrious Greene were equally uſeful in every department in which human ſociety can call a man to act, every friend to America muſt feel the want of his aſſiſtance in the duties that remain to be performed. Yet, as theſe duties are of the rational and pacific kind, the performance is more attainable and emulation the better encouraged. In military operations, none but the ſoldier can be diſtinguiſhed, nor any but the fortunate are ſure of rendering ſervice: but here is a theatre

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of action for every citizen of a great country; in which the ſmalleſt circumſtance will have its weight, and on which infinite conſequences will depend.

The preſent is an age of philoſophy; and America, the empire of reaſon. Here, neither the pageantry of courts nor the glooms of ſuperſtition have dazzled or beclouded the mind. Our duty calls us to act worthy of the age and the country which gave us birth. Though inexperience may have betrayed us into errors; yet theſe have not been fatal; and our own diſcernment will point us to their proper remedy.

However defective the preſent confederated ſyſtem may appear; yet a due conſideration of the circumſtances under which it was framed, will teach us rather to admire its wiſdom than to murmur at its faults. The ſame political abilities which were diſplayed in that inſtitution, united with the experience we have had of its opperation, will doubtleſs produce a ſyſtem, which will ſtand the teſt of ages, in forming a powerful and happy people.

Elevated with this extenſive proſpect, we may conſider preſent inconveniences as unworthy of regret. At the cloſe of the war, an uncommon plenty of circulating ſpecie and a univerſal paſſion for trade tempted many individuals to involve themſelves in ruin and injure the credit of their country. But theſe are evils which work their own remedy. The paroxiſm is already over; induſtry is increaſing faſter than ever it declined; and, with ſome exceptions where legiſlative authority has

has ſanctified fraud, the people are honeſtly diſcharging their private debts and encreaſing the reſources of their wealth.

Every poſſible encouragement for great and generous exertions, is now preſented before us. Under the idea of a permanent and happy government, every point of view, in which the future ſituation of America can be placed, fills the mind with a peculiar dignity, and opens an unbounded field of thought. The natural reſources of the country are inconceivably various and great; the enterpriſing genius of the people promiſes a moſt rapid improvement in all the arts that embelliſh human nature; the bleſſings of a rational government will invite emigrations from the reſt of the world, and fill the empire with the worthieſt and happieſt of mankind; while the example of political wiſdom and felicity here to be diſplayed will excite emulation through the kingdoms of the earth, and meliorate the condition of the human race.

In the pleaſing contemplation of ſuch glorious events, and comparing the ſcenes of action that adorn the weſtern hemiſphere, with what has taken place in the eaſt, may we not apply to our country the language of the prophet of Iſrael, though ſpoken on a different occaſion, "The glory of this latter houſe "ſhall be greater than of the former, ſaith the Lord of hoſts; "and in this place will I give peace, ſaith the Lord of hoſts;" peace to any diſorders that may at preſent ſubſiſt among us, peace to the contending paſſions of nations, peace to this empire, to future ages, and through the extended world.

A

LETTER

TO THE

NATIONAL CONVENTION

OF

FRANCE,

ON THE

DEFECTS IN THE CONSTITUTION OF 1791,

AND THE

EXTENT OF THE AMENDMENTS WHICH OUGHT TO BE APPLIED.

By *JOEL BARLOW*, Esq.

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MDCCXCII.

A

LETTER, &c.

GENTLEMEN,

THE time is at laſt arrived, when the people of France, by reſorting to their own proper dignity, feel themſelves at liberty to exerciſe their unembarraſſed reaſon, in eſtabliſhing an equal government. The preſent criſis in your affairs, marked by the aſſembling of a National Convention, bears nearly the ſame relation to the laſt four years of your hiſtory, as your whole revolution bears to the great accumulated maſs of modern improvement. Compared therefore with all that is paſt, it is

perhaps the moſt intereſting portion of the moſt important period that Europe has hitherto ſeen.

Under this impreſſion, and with the deepeſt ſenſe of the magnitude of the ſubject which engages your attention, I take a liberty which no ſlight motives could warrant in a ſtranger, the liberty of offering a few obſervations on the buſineſs that lies before you. Could I ſuppoſe however that any apology were neceſſary for this intruſion, I ſhould not rely upon the one here mentioned. But my intentions require no apology; I demand to be heard, as a right. Your cauſe is that of human nature at large; you are the repreſentatives of mankind; and though I am not literally one of your conſtituents, yet I muſt be bound by your decrees. My happineſs will be ſeriouſly affected by your deliberations; and in them I have an intereſt, which nothing can deſtroy. I not only conſider all mankind as forming but one great family, and therefore bound by a natural ſympathy to regard each other's hap-

happineſs as making part of their own; but I contemplate the French nation at this moment as ſtanding in the place of the whole. You have ſtepped forward with a gigantic ſtride to an enterprize which involves the intereſts of every ſurrounding nation; and what you began as juſtice to yourſelves, you are called upon to finiſh as a duty to the human race.

I believe no man cheriſhes a greater veneration, than I have uniformly done, for the National Aſſembly who framed that Conſtitution, which I now preſume your conſtituents expect you to reviſe. Perhaps the merits of that body of men will never be properly appreciated. The greateſt part of their exertions were neceſſarily ſpent on objects which cannot be deſcribed; and which from their nature can make no figure in hiſtory. The enormous weight of abuſes they had to overturn, the quantity of prejudice with which their functions called them to contend, as well in their own minds as in thoſe of all the European world, the open oppoſition

oppoſition of intereſts, the ſecret weapons of corruption, and the unbridled fury of deſpairing faction,— theſe are ſubjects which eſcape our common obſervation, when we contemplate the labours of that Aſſembly. But the legacy they have left to their country in their deliberative capacity will remain a laſting monument to their praiſe; and though while ſearching out the defective parts of their work, without loſing ſight of the difficulties under which it was formed, we may find more occaſion to admire its wiſdom, than to murmur at its faults; yet this conſideration ought not to deter us from the attempt.

The great leading principle, on which their conſtitution was meant to be founded, is *the equality of rights.* This principle being laid down with ſuch clearneſs, and aſſerted with ſo much dignity in the beginning of the code, it is ſtrange that men of clear underſtandings ſhould fail to be charmed with the beauty of the ſyſtem which nature muſt have taught them to build

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on that foundation. It ſhows a diſpoſition to counteract the analogy of nature, to ſee them at one moment, impreſſing this indelible principle on our minds, and with the next breath declaring, That France ſhall remain a monarchy,— that it ſhall have a king, hereditary, inviolable, clothed with all the executive, and much of the legiſlative power, commander in chief of all the national force by land and ſea, having the initiative of war, and the power of concluding peace;—and above all, to hear them declare that, " The nation will " provide for the ſplendour of the throne," granting in their legiſlative capacity to that throne more than a million ſterling a year, from the national purſe, beſides the rents of eſtates which are ſaid to amount to half as much more.

We muſt be aſtoniſhed at the paradoxical organization of the minds of men who could ſee no diſcordance in theſe ideas. They begin with the open ſimplicity of a rational republic, and immediately plunge into all the labyrinths of royalty; and a great

great part of the conſtitutional code is a practical attempt to reconcile theſe two diſcordant theories. It is a perpetual conflict between principle and precedent,—between the manly truths of nature, which we all muſt feel, and the learned ſubtilties of ſtateſmen, about which we have been taught to reaſon.

In reviewing the hiſtory of human opinions, it is an unpleaſant conſideration to remark how ſlow the mind has always been in ſeizing the moſt intereſting truths; although, when diſcovered, they appear to have been the moſt obvious. This remark is no where verified with more circumſtances of regret, than in the progreſs of your ideas in France relative to the inutility of the kingly office. It was not enough that you took your firſt ſtand upon the high ground of natural right; where, enlightened by the ſun of reaſon, you might have ſeen the clouds of prejudice roll far beneath your feet—it was not enough that you began by conſidering royalty, with its well-known ſcourges, as being the cauſe of

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all your evils,—that the kings of modern Europe are the authors of war and miſery, that their mutual intercourſe is a commerce of human ſlaughter,—that public debts and private oppreſſions, with all the degrading vices that tarniſh the face of nature, had their origin in that ſpecies of government which offers a premium for wickedneſs, and teaches the few to trample on the many;—it was not enough that you ſaw the means of a regeneration of mankind in the ſyſtem of equal rights, and that in a wealthy and powerful nation you poſſeſſed the advantage of reducing that ſyſtem to immediate practice, as an example to the world and a conſolation to human nature. All theſe arguments, with a variety of others which your republican orators placed in the ſtrongeſt point of light, were inſufficient to raiſe the public mind to a proper view of the ſubject.

It ſeems that ſome of your own philoſophers had previouſly taught, that royalty was neceſſary to a great nation. Monteſquieu, among his whimſical maxims about

laws and government, had informed the world that a limited monarchy was the beſt poſſible ſyſtem, and that a democracy could never flouriſh, but in a ſmall tract of country. How many of your legiſlators believed in this doctrine, how many acted from temporiſing motives, wiſhing to baniſh royalty by ſlow degrees, and how many were led by principles leſs pardonable than either, it is impoſſible to determine. Certain it is that republican ideas gained no ground upon the monarchical in your conſtituting aſſembly, during the laſt ſix months of their deliberations. It is likewiſe certain that the majority of that aſſembly took much pains to prevent the people from diſcovering the cheat of royalty, and to continue their ancient veneration, at leaſt for a while, in favour of certain principles in government which reaſon could not approve.

It is remarkable that all the perfidy of your king, at the time of his flight, ſhould have had ſo little effect in opening the eyes of ſo enlightened a people as the French.

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His flight, and the insulting declaration which he left behind him, were sufficient not only to give the lie to the fiction, with which common sense has always been put to the blush, and to which your assembly had attempted to give a sanction, *that kings can do no wrong*, but they were sufficient to show, at least to all who would open their eyes, that the business of government required no such officer. There is no period during your revolution, if there is any to be found in the history of France, when business went on with more alacrity and good order, than during the suspension of the royal functions in the interval from the time that the king was brought back to the capital in June, till the completion of the constitution in September. Every thing went right in the kingdom, except within the walls of the assembly. A majority of that body was determined to make an experiment of a limited monarchy. The experiment has been made. Its duration has indeed been short, being less than eleven months; but, although in

ſome reſpects it has been almoſt as fatal to the cauſe of liberty as any ſyſtem could have been within the time, yet in other reſpects it has done more good than all the reaſonings of all the philoſophers of the age could have done in a much longer time: it has taught them a new doctrine, which no experience can ſhake, and which reaſon muſt confirm, *that kings can do no good.* So that, if the queſtion were now to be agitated by the people of France, as it may be by you in their behalf, whether they will have a king or not, I ſhould ſuppoſe the following would be the ſtate of the calculation: A certain quantity of evils are to be expected from the regal office; and theſe evils are of two claſſes, *certain* and *probable.* The *certain* evils are, 1. The million and a half ſterling a year drawn from the people to "ſupport the "ſplendour of the throne;" 2. A great variety of enormous ſalaries paid to miniſters at home, to ambaſſadors abroad, and to biſhops in the church; while the only buſineſs of theſe men and their ſalaries

is

is to ſupport the fiction, that kings can do no wrong. It will always coſt more to ſupport this fiction, than it would to ſupport the whole national government without it. 3. The worſt of all the certain evils is, that the million and a half will be nearly all ſpent in bribery and corruption among the members of the legiſlature, to increaſe the power of the throne, and the means of oppreſſion. If the money, after it is extorted from the people, could be thrown into the ſea, inſtead of being paid to the king and his ſatellites, the evil would be trifling; in that caſe the wickedneſs would ceaſe with the firſt act of injuſtice; while in this it multiplies the weapons of deſtruction againſt themſelves. It creates a perpetual ſcrambling for power, rewards knavery in the higher ranks, encourages falſehood in others, and corrupts the morals of the whole. This it is that debaſes and vilifies the general maſs of mankind, and brings upon them the inſulting remarks of many men, who even wiſh them well, *that the people are unfit for liberty.*

Among

Among the *probable* evils reſulting from the kingly office, the principal one, and indeed the only one that need to be mentioned, is the chance of its being held by a *weak or a wicked man.* When the office is hereditary, it is ſcarcely to be expected but that this ſhould always be the caſe. Conſidering the birth and education of princes, the chance of finding one with practical common ſenſe is hardly to be reckoned among poſſible events; nor is the probability leſs ſtrong againſt their having virtue. The temptations to wickedneſs ariſing from their ſituation are too powerful to be reſiſted. The perſuaſive arts of all their flatterers, the companions of their youth, the miniſters of their pleaſures, and every perſon with whom they ever converſe, are neceſſarily employed to induce them to increaſe their revenue, by oppreſſing the people, whom they are taught from their cradle to conſider as beaſts of burthen. And what muſt almoſt inſure the triumph of wickedneſs in their tempers, is the idea that they act totally and for ever without reſtraint. This is an allurement

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to vice that even men of ſenſe could ſcarcely reſiſt. Impreſs it on the mind of any man that he *can do no wrong*, and he will ſoon convince you of your miſtake.

Take this general ſummary of the evils ariſing from hereditary monarchy, under any reſtrictions that can be propoſed, and place it on one ſide of the account,—and ſtate, on the other ſide, the truth which I believe no man of reflection will hereafter call in queſtion, *that kings can do no good*, and the friends of liberty will no longer be in doubt which way you will decide the queſtion relative to that part of your conſtitution.

I cannot feel eaſy in diſmiſſing this part of my ſubject, without offering ſome remarks on that general vague idea which has long been floating about in the world, that a people under certain circumſtances are unfit for liberty. You know in what inſulting language this obſervation has been perpetually applied to the French during the courſe of the revo-

revolution. Some have ſaid that they were too *ignorant* to form a government of their own, others, that they were too *poor*, others that they were too *numerous*, and others, that they were too *vitious*. I will not deſcend to the examination of the particular parts of this charge, nor of the whole as applied to the French, or to any other particular people; I will only remark on the general obſervation, as aplicable to any poſſible nation exiſting in a ſtate of nature. By a ſtate of nature I mean a ſtate of peace; where the intention is, as a nation, to live by induſtry at home, not by plunder from abroad.

I think Monteſquieu has ſaid, that virtue muſt be the foundation of a republican government. His book is not now by me, or I would try to diſcover what he means by virtue. If he means thoſe moral habits by which men are diſpoſed to mutual juſtice and benevolence, which is the common idea of virtue, it cannot be the foundation of a republican government, or of any government. Theſe qualities re-

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quire no reſtraints: the more general their influence ſhould be among any people, the leſs force would be neceſſary in their government; and could we ſuppoſe a nation in which they ſhould exiſt in a perfect degree, that nation would require no government at all. It is the vices, not the virtues of men which are the objects of reſtraint, and the foundation of government. The expreſſion of the general will, operating on the mind of an individual, ſerves with him as a ſubſtitute for virtue. This general will may always be expreſſed by a nation in any poſſible circumſtances; and, if the nation be in a ſtate of nature, this expreſſion will always be *moral virtue*, according to their ideas of the word; and it will always *tend* to moral virtue, in the moſt extenſive ſenſe in which we have yet been able to define it.

It has been ſaid, that man differs from man, as much as man from beaſt; it is ſaid alſo to be fit, that the wiſe and virtuous ſhould make laws for the ignorant and vitious. It is not to my purpoſe to call in

queſtion the firſt of theſe aſſertions; but the ſecond, plauſible as it is, I muſt totally deny; at leaſt in the ſenſe in which it is generally underſtood. That ſome men in the ſame ſociety ſhould be wiſer and better than others, is very natural; and it is as natural, that the people ſhould chooſe ſuch to repreſent them in the formation of laws. But in this caſe the laws originate from the people at large, ignorant and vitious as they are; and the repreſentatives are only the organs by which their will is declared. This is not the ſenſe in which the aſſertion is intended. It is meant, that if kings were always wiſe and good, or if a band of nobles were always wiſe and good, it would be beſt that they ſhould be the hereditary legiſlators. This is the ſenſe in which I deny the aſſertion, becauſe it is contrary to the analogy of nature. It being a ſubject on which we cannot look for experience, we muſt reaſon only from analogy; and it appears extremely evident to me, that, were a ſucceſſion of the wiſeſt and beſt men that ever have, or ever will be known, to be perpetuated in any coun-

try

try as independent legiſlators for the people, the happineſs and good government of the nation would be greatly injured by it. I am confident that any people, whether virtuous or vitious, wiſe or ignorant, numerous or few, rich or poor, are the beſt judges of their own wants relative to the reſtraint of laws, and would always ſupply thoſe wants better than they could be ſupplied by others.

In expreſſing theſe ideas on the peace and happineſs to be expected from a free republic, I have been often accuſed of holding too favourable an opinion of human nature. But it appears to me, that the queſtion, whether men, on any given portion of the earth, are able to make their own laws, does not depend in the leaſt on their moral character. It has no relation to their ſtate of improvement, or their ſtate of morals. The only previous enquiry is, What is the object to be aimed at in the government? If it be the good of the whole community, the whole can beſt know the means of purſuing it; if it be to exalt a

few men at the expence of all the reſt, the deciſion, perhaps, may take a different turn.

A republic of beavers or of monkies, I believe, could not be benefited by receiving their laws from men, any more than men could be in being governed by them. If the Algerines or the Hindoos were to ſhake off the yoke of deſpotiſm, and adopt ideas of equal liberty, they would that moment be in a condition to frame a better government for themſelves, than could be framed for them by the moſt learned ſtateſman in the world. If the great Mr. Locke, with all his wiſdom and goodneſs, were to attempt the taſk, he would probably ſucceed as ill as he did in his conſtitution for the colony of South Carolina.

Colonies have always been teazed and tormented more or leſs (and probably always will be as long as colonies ſhall exiſt) by the overweening wiſdom of the mother-country, in making their laws and conſtitutions. This is often done without

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any wiſh to tyrannize, and ſometimes with the beſt intentions to promote the good of the people. The misfortune more frequently lies in the legiſlator's not knowing the wants and wiſhes of the people, than in any wanton deſire to counteract them. The ſure and only characteriſtic of a good law is, *that it be the perfect expreſſion of the will of the nation*; its excellence is preciſely in proportion to the univerſality and freedom of conſent. And this definition remains the ſame, whatever be the character of the nation, or the object of the law. Every man, as an individual, has a will of his own, and a manner of expreſſing it. In forming theſe individuals into ſociety, it is neceſſary to form their wills into a government; and in doing this, we have only to find the eaſieſt and cleareſt mode of expreſſing their wills in a national manner. And no poſſible diſadvantages relative to their ſtate of morals or civilization can render this a difficult taſk.

I have gone into theſe arguments, not merely to prove that the *French* are fit for liberty,

liberty, who are certainly at this moment the moſt enlightened nation in Europe; but to ſhow that the calumny contained in the contrary aſſertion need not be repeated againſt any other nation, who ſhould make the like exertions, and whoſe pretenſions, in this reſpect, might appear more queſtionable in the eye of faſhionable remark.

But it will be ſaid, I am too late with all theſe obſervations on the neceſſity of proſcribing royalty from your conſtitution. The cauſe is already judged in the minds of the whole people of France; and their wiſhes will ſurely be the rule of your conduct. I ſuppoſe that, without being reminded of your duty by a ſtranger, one of your firſt reſolutions would be, to fix a national anathema on every veſtige of regal power, and endeavour to wipe out from the human character the ſtain which it received, with its veneration for kings and hereditary claims. But it requires much reflection to be well aware to what extent this duty ſhould carry you. There are many vices in your conſtitution, which, though

though not apparently connected with the king, had their origin in regal ideas. To purify the whole code from these vices, and to purge human nature from their effects, it will be necessary to resort to many principles which appear not to have struck the minds of the first assembly.

You will permit me to hint at some of the great outlines of what may be expected from you, under the peculiar advantages with which you meet to form a glorious republic. Although many of my ideas may be perfectly superfluous, being the same as will occur to every member of your body, yet it is possible that some of them may strike the mind in a new point of light, and lead to reflections which would not rise from any other quarter. Should this be the case in the smallest degree, it ought to be considered, both by you and me, as an ample reward for our pains, in writing and in reading this letter.

On considering the subject of government, when the mind is once set loose from the

the ſhackles of royalty, it finds itſelf in a new world. It riſes to a more extenſive view of every circumſtance of the ſocial ſtate. Human nature aſſumes a new and more elevated ſhape, and diſplays many moral features, which, from having been always diſguiſed, were not known to exiſt. In this caſe, it is a long time before we acquire a habit of tracing effects to their proper cauſes, and of applying the eaſy and ſimple remedy to thoſe vices of our nature which ſociety requires us to reſtrain. This, I apprehend, is the ſource of by far the greateſt difficulties with which you have to contend. We are ſo much uſed, in government, to the moſt complicated ſyſtems, as being neceſſary to ſupport thoſe impoſitions, without which it has been ſuppoſed impoſſible for men to be governed, that it is an unuſual taſk to conceive of the ſimplicity to which the buſineſs of government may be reduced, and to which it muſt be reduced, if we would have it anſwer the purpoſe of promoting happineſs.

After

After proſcribing royalty, with all its appendages, I ſuppoſe it will not be thought neceſſary in France to ſupport any other errors and ſuperſtitions of a ſimilar complexion; but that undiſguiſed reaſon in all things will be preferred to the cloak of impoſition. Should this be the caſe, you will conceive it no longer neceſſary to maintain a *national church*. This eſtabliſhment is ſo manifeſtly an impoſition upon the judgment of mankind, that the conſtituting aſſembly muſt have conſidered it in that light. It is one of thoſe monarchical ideas, which pay us the wretched compliment of ſuppoſing that we are not capable of being governed by our own reaſon. To ſuppoſe that the people of France are to learn the mode of worſhipping God from the decrees of the Council of Trent, is certainly as abſurd as it would be to appeal to ſuch a Council to learn how to breathe, or to open their eyes. Neither is it true, as is argued by the advocates of this part of your conſtitution, that the preference there given to one mode of worſhip

by the payment of the Catholic prieſts, from the national purſe, to the excluſion of others, was founded on the idea of the property ſuppoſed to have been poſſeſſed by that church, and which by the aſſembly was declared to be thenceforward the property of the nation.

The church, in this ſenſe of the word, ſignifies nothing but a *mode of worſhip*; and to prove that a mode can be a proprietor of lands, requires a ſubtilty of logic that I ſhall not attempt to refute. The fact is, the church conſidered as an *hierarchy*, was always neceſſary to the ſupport of royalty; and your aſſembly, with great conſiſtency of deſign, wiſhing to preſerve ſomething of the old fabric, preſerved ſomething of this neceſſary prop. But as the fabric is now overturned, the prop may be ſafely taken away. I am confident that monarchy and hierarchy will be buried in the ſame grave; and that in France they will not ſurvive the preſent year.

I know

I know it is aſſerted and believed by ſome well-wiſhers to ſociety, that religion would be loſt among men, if they were to baniſh all legal eſtabliſhments with regard to the manner of exerciſing it. I ſhould not be ſo perfectly convinced as I am of the abſurdity of this opinion, were it not eaſy to diſcover how it came to be introduced. It is an idea, as I believe, purely political; and it had its origin in the ſuppoſed neceſſity of governing men by fraud, —of erecting their credulity into an hierarchy, in order to ſuſtain the deſpotiſm of the ſtate. I hold religion to be a natural propenſity of the mind, as reſpiration is of the lungs. If this be true, there can be no danger of its being loſt: and I can ſee no more reaſon for making laws to regulate the impreſſion of Deity upon the ſoul, than there would be, to regulate the action of light upon the eye, or of air upon the lungs. I ſhould preſume therefore, that, on ſtripping this ſubject of all the falſe covering which unequal governments have thrown upon it, you will make no national proviſion for the ſupport of any claſs of men,

under the mock pretence of maintaining the worſhip of God. But you will leave every part of the community to nominate and pay their own miniſters in their own way. The mode of worſhip which they will thus maintain, will be the moſt conducive to good order, becauſe it will be that in which the people will believe.

Much has been ſaid, ſince the beginning of your revolution, on the difference between the buſineſs of framing conſtitutions, and that of ordinary legiſlation. Indeed I am afraid that either too much or too little has been inculcated on this ſubject; becauſe it appears to me, that the doctrine now received is not that which the ſubject would naturally ſuggeſt. It teaches us to conſider thoſe laws that are called *Conſtitutions*, in a light ſo ſacred, as to ſavour too much of the old leaven of veneration for precedent; and every degree of ſuch veneration is ſo much taken from the chance of improvement. To ſuppoſe that our predeceſſors were wiſer than ourſelves is not an extraordinary thing, though the

the opinion may be ill-founded; but to ſuppoſe that they can have left us a better ſyſtem of political regulations than we can make for ourſelves, is to aſcribe to them a degree of diſcernment to which our own bears no compariſon; it ſuppoſes them to have known our condition by prophecy better than we can know it by experience.

There was not only a degree of arrogance in your firſt aſſembly, in ſuppoſing that they had framed a conſtitution, which for a number of years would require no amendment; but they betrayed a great degree of weakneſs in imagining that the ridiculous barriers with which they fenced it round would be ſufficient to reſtrain the powerful weight of opinion, and prevent the people from exerciſing the irreſiſtible right of innovation, whenever experience ſhould diſcover the defects of the ſyſtem. It is partly to theſe barriers, as well as to the inherent vices of the conſtitution, that we are to attribute the late inſurrections in Paris. If we would trace the cauſes of popular

popular commotions, we ſhould always find them to have originated in a previous unjuſt reſtraint.

I would not however be underſtood to mean that there ſhould be no diſtinction between the conſtitutional code, and other occaſional laws. There is room for a conſiderable difference, both as to the mode of expreſſing them, and as to the formalities proper to be obſerved in repealing or amending them. I will offer ſome remarks on a plan for amendments towards the cloſe of my letter. With regard to the general complexion of the code, it ought to be as ſimply expreſſed and eaſy to be underſtood as poſſible; for it ought to ſerve not only as a guide to the legiſlative body, but as a political grammar to all the citizens. The greateſt ſervice to be expected from it is, that it ſhould concentrate the maxims, and form the habits of thinking, for the whole community. For this purpoſe, it is not ſufficient that it be purified from every veſtige of monarchy, and hierarchy, with all the impoſitions and in-

equalities which have ſprung inſenſibly from theſe ideas; but it ſhould contemplate the whole circle of human propenſities, and cut off the temptations and opportunities for degenerating into thoſe evils which have ſo long afflicted mankind, and from which we are now but beginning to ariſe.

After laying down the great fundamental principle *that all men are equal in their rights*, it ought to be the invariable object of the ſocial compact to inſure the exerciſe of that equality, by rendering them as equal in all ſorts of enjoyments, as can poſſibly be conſiſtent with good order, induſtry, and the reward of merit. Every individual ought to be rendered as *independent* of every other individual as poſſible; and at the ſame time as *dependent* as poſſible on the whole community. On this undeniable maxim, I think the following poſitions ought to be founded and guaranteed in the conſtitutional code:

Firſt,

First, The only basis of representation in the government should be *population*; territory and property, though absurdly stated by your first assembly as making part of the basis of representation, have no interest in it. Property, in itself, conveys no right to the possessor, but the right of enjoying it. To say that it has the right of claiming for itself the protection of society, is absurd; because it is already protected, or it would not be property. It is the *person*, not the property, that exercises the will, and is capable of enjoying happiness; it is therefore the person, for whom government is instituted, and by whom its functions are performed. The reason why property has been considered as conveying additional rights to the possessor in matters of government, is the same as has blinded the understandings of men relative to the whole order of nature in society. It is one of those appendages of monarchy and oligarchy, which teaches that the object of government is to increase the splendour of the few, and the misfortunes of the many.

many. And every ſtep that ſuch governments take has a tendency to counteract the equality of rights, by deſtroying the equality of enjoyments.

Second, If you take population as the only baſis of repreſentation in the departments, the next ſtep will be, to declare every independent man to be an active citizen. By an independent man, I mean every man whom the laws do not place under the control of another, by reaſon of nonage or domeſticity. The laws of France, in my opinion, have always placed the period of majority by ſeveral years too late; that is, later than nature has placed it. This however, was of little conſequence in a political view, as long as the government remained deſpotic; but now, when the rights of man are reſtored, and government is built on that foundation, it is of conſequence to increaſe as far as poſſible the number of active citizens. And for this purpoſe I ſhould ſuppoſe the period of majority ought to be placed at leaſt as early as the age of twenty years.

To make this change in France would be attended with many advantages. It would increaſe the ſtock of knowledge, and of induſtry, by inſpiring young men with early ideas of independence, and the neceſſity of providing for themſelves by ſome uſeful employment: it would be a great inducement to early marriages; and, by that means, increaſe population, and encourage purity of morals.

I am likewiſe fully convinced that the aſſembly was wrong in ſuppoſing that a ſtate of domeſticity ought to deprive a man of the rights of a freeman. This is a relick of thoſe ideas which the ancient government has inſpired. Where a ſervant is abſolutely dependent on the caprice of a maſter for his place, and conſequently for his bread, there is indeed much force in the argument, that he can have no political will of his own; and will give his ſuffrage as directed by the maſter. But when every man ſhall be abſolutely free to follow any profeſſion, every kind of uſeful induſtry being equally encouraged and rewarded;

warded; and eſpecially when every man ſhall be well inſtructed in his duties and his rights, which will certainly be the conſequence of the ſyſtem you have now begun,—ſuch arguments will fall to the ground with the ſyſtem which they ſupport. The ſervant and his maſter, though not equal in property or in talents, may be perfectly ſo in freedom and in virtue. Wherever the ſervant is more dependent on the maſter, than the maſter on the ſervant, there is ſomething wrong in the government. The ſame remarks I believe may be repeated, with little variation, in the caſe of inſolvent debtors, another claſs of men disfranchiſed by the firſt aſſembly.

Third, The manner in which citizenſhip may be acquired or loſt, is a ſubject which ought to be reconſidered by you; as your predeceſſors have left in it ſome room for improvement. Their regulation was indeed a liberal one, compared with what other governments have done; but not ſo, when compared with what the ſubject required. I am confident that when ſociety

ſhall be placed on the right footing, the citizens of any one ſtate will conſider thoſe of any other ſtate as their brothers and fellow citizens of the world; and in this caſe, when thoſe who are called foreigners come to ſettle among them, a mere declaration of their intention of reſidence will be ſufficient to entitle them to all the rights which the natives poſſeſs. I was anxious that the French ſhould ſet the example in this ſpecies of liberality, as they have done in ſo many other good things; and I ſtill believe that on reviewing the ſubject, you will do it.

But according to your conſtitution there are many ways in which the rights of citizens may be loſt, for one of which I can ſee no reaſon; it is naturalization in a foreign country. This is ſo manifeſtly illiberal and unjuſt, that I am almoſt ſure it will be altered. It is an old feudal idea of allegiance; and goes upon the ſuppoſition that fidelity to one country is incompatible with our duty to another. When a citizen of one ſtate is complimented with the freedom

freedom of another, it is generally an acknowledgment of his merit; but your conſtituting aſſembly conſidered it as an object of puniſhment. Many of your citizens have been naturalized in America; but the American governments certainly did not foreſee that this act of theirs would diſfranchiſe thoſe gentlemen at home. You have lately conferred the rights of a French citizen on George Waſhington. If he ſhould accept the honour you have thus done him, and the American conſtitution were in this reſpect the ſame as your own, he muſt immediately be turned out of office, and for ever disfranchiſed at home.

Fourth, You will doubtleſs conſider the important ſubject of the *frequency of popular elections*, as claiming a farther deliberation. It is an article on which too much reflection cannot be beſtowed. It influences the habits of the people and the ſpirit of the government in a variety of ways, that eſcape our common obſervation. I mentioned before, that one of the firſt objects of ſociety is to render every individual

individual perfectly dependent on the whole community. The more completely this object is attained, the more perfect will be the equality of enjoyments and the happineſs of the ſtate. But of all individuals, thoſe who are ſelected to be the organs of the people, in making and in executing the laws, ſhould feel this dependence in the ſtrongeſt degree. The eaſieſt and moſt natural method of effecting this purpoſe is, to oblige them to recur frequently to the authors of their official exiſtence, to depoſit their powers, mingle with their fellows, and wait the deciſion of the ſame ſovereign will which created them at firſt, to know whether they are again to be truſted.

There are doubtleſs ſome limits to this frequency of election, beyond which it would be hurtful to paſs; as every ſubject has a medium between two vitious extremes. But I know of no office, in any department of ſtate, that need to be held for more than one year, without a new election. Moſt men, who give in to this idea

idea with reſpect to the legiſlative, are accuſtomed to make an exception with regard to the executive, and particularly with regard to that part which is called the judiciary. I am aware of all the arguments that are uſually brought in ſupport of theſe exceptions; but they appear to me of little weight, in compariſon to thoſe in favour of univerſal annual elections. Power always was, and always muſt be, a dangerous thing. I mean, power collected from the great maſs of ſociety, and delegated to a few hands; for it is only in this ſenſe that it can properly be called power. The phyſical forces of all the individuals of a great nation cannot be brought to act at once upon a ſingle object; and the ſame may be ſaid of their moral forces. It is neceſſary therefore that the exerciſe of theſe ſhould always be performed by delegation; the moral in legiſlation, the phyſical in execution. This is the proper definition of national power; and in this ſenſe it is neceſſarily dangerous; becauſe, ſtrictly ſpeaking, it is not exerciſed by thoſe whoſe property it is, and for whoſe

good

good it is intended to operate. It is in the nature of this kind of truſt to invert in ſome meaſure the order of things; it apparently ſets the ſervant above the maſter, and diſpoſes him to feel a kind of independence which ought never to be felt by any citizen, particularly one who is charged with a public function.

It has ever been the tendency of government to divide the ſociety into two parties,—the governors and the governed. The miſchiefs ariſing from this are almoſt infinite. It not only diſpoſes each party to view the other with an eye of jealouſy and diſtruſt, which ſoon riſe to acts of ſecret or open enmity, but it effectually corrupts the morals of both parties, and deſtroys the vital principles of ſociety; it makes government the trade of the few, ſubmiſſion the drudgery of the many, and falſehood the common artifice of the whole. To prevent this, I would have no man placed in a poſition in which he can call himſelf governor, for a moment longer than while he performs the duties of his truſt

to

to the ſatisfaction of his fellow citizens, nor even then, but for a ſhort period. He ſhould feel at all times as though he were ſoon to change places with any one of his neighbours, whom he now ſees ſubmiſſive to his authority.

But to anſwer this purpoſe, the frequent return of elections is not of itſelf ſufficient. I am fully of the opinion, that with regard to all diſcretionary officers, there ought to be an excluſion by rotation. Thoſe functions that are purely miniſterial, ſuch as thoſe of ſheriffs, conſtables, clerks of courts, regiſters &c. perhaps may form exceptions; but legiſlators, executive counſellors, judges and magiſtrates of every deſcription, ſhould not only feel their dependence on the people by an annual election, but ſhould frequently mingle with them by an excluſion from office. The effect of this would be, not what is often aſſerted, that no one would underſtand government, but the contrary, that every one would underſtand it. This would form a prodigious ſtimulus to the

acquiſition of knowledge among all deſcriptions of men, in all parts of the country. Every man of ordinary ability would be not only capable of watching over his own rights, but of exerciſing any of the functions by which the public ſafety is ſecured. For whatever there is in the art of government, whether legiſlative or excutive, above the capacity of the ordinary claſs of what are called well informed men, is ſuperfluous and deſtructive, and ought to be laid aſide. The man who is called a *politician*, according to the practical ſenſe of the word in modern Europe, exerciſes an office infinitely more deſtructive to ſociety than that of a highwayman. The ſame may be ſaid, in general, of the *financier*; whoſe art and myſtery, on the funding ſyſtem of the preſent century, conſiſt in making calculations to enable governments to hire mankind to butcher each other, by drawing bills on poſterity for the payment.

I would therefore ſuggeſt the propriety of your reviewing the article of biennial elections,

elections, as instituted by your first assembly, and of your making them annual; and the same term, if not the same manner of election, ought to extend to all executive officers, whose functions are in any manner discretionary. I think it would likewise be essential, that no office of this description should be held by one man, more than two years in any term of four years. This would send into the departments, and into every part of the empire, at frequent periods, some thousands of men with practical knowledge of public business; it would at least be the means of doubling the number of such well-instructed men; and, by holding out the inducement to others to qualify themselves to merit the confidence of their fellow citizens, it would multiply the number of men of theoretical knowledge, at least ten fold. All these men will be watchful guardians of the public safety. But these are not all the advantages of frequent elections. They habituate the people to the *business* of election, and enable them to carry it on with order and regularity, like their daily

labour; they habituate the candidates to be gratified with the public confidence, or to be diſappointed in the expectation of obtaining it; ſo that their ſucceſs or diſappointment ceaſes to make that deep impreſſion on their minds, which it otherwiſe would do. It is thus that you would cut off an infinite ſource of that intrigue and corruption, which are foretold with ſo much horror by thoſe who have not well ſtudied the effects of a well organized popular government. But another method, not leſs effectual, to prevent the arts of ſcrambling for power and places, will be hinted at in the following article.

Fifth, Among the fatal miſconceptions of things which monarchy has entailed upon us, and which are extremely difficult to eradicate from the mind, muſt be reckoned that prevalent opinion, that all governments ſhould gratify their agents with *enormous ſalaries*. This idea has uſually been more particularly applied in favour of the executive officers of government and their dependants; and it had its origin in the

the antecedent principle, that government divides the people into two diſtinct claſſes, and that the ſame quantity of buſineſs, coming within the verge of one of theſe claſſes, muſt be paid for at a higher price than it would be, within that of the other; though it ſhould be performed by the ſame man, and required the ſame exertion of talents. Your conſtitution is ſilent as to the quantity of ſalary that ſhall be paid to any particular officer; it only ſays that "the nation will provide for the ſplendour "of the throne," (which indeed is a declaration of war againſt the liberties of the people) but the authors of that conſtitution, in their legiſlative capacity, after providing for that ſplendour with a ſum ſufficient to purchaſe the majority of almoſt any corps of ſeven hundred legiſlators, went on to provide for the ſplendour of the miniſters. They gave to one, if my memory does not deceive me, one hundred and fifty thouſand livres, and one hundred thouſand to each of the reſt. This on an average is about three times more than ought to have been given,

given, unleſs the object were to carry on the government by intriguing for places.

I mention this article, not on the ſcore of œconomy. That conſideration, however weighty it may appear, is one of the leaſt that can ſtrike the mind on the ſubject of public ſalaries. The evil of paying too much is pregnant with a thouſand miſchiefs. It is almoſt ſufficient of itſelf to defeat all the advantages to be expected from the inſtitution of an equal government. The general rule to be adopted in this caſe, (which perhaps is all that can be ſaid of it in the conſtitution) appears to me to be this, *That ſo much, and no more, ſhall be given for the performance of any public function, as ſhall be ſufficient to induce ſuch men to undertake it whoſe abilities are equal to the taſk.* If this rule were ſtrictly obſerved, it is rational to conclude, that there would be no more contention or intrigue among candidates to obtain places in the government, than there is among manufacturers, to find a market for

for their goods. This conclusion becomes more probably just, when we consider that your intention is to cut off from the servants of the public all hopes of obtaining the public money by any indirect and fraudulent measures. When there shall be no more civil list, or livre rouge, no more ministerial patronage in church or state, no more sale of justice or purchase of oppression, or any kind of perquisite of office, but the candidate shall be assured, that all the money he shall receive, will be the simple sum promised by the legislature, that sum being no more than the work is honestly worth, he will accept or relinquish the most important trust, as he would an ordinary occupation.

This single circumstance of salaries, being wisely guarded on every side, would, in the course of its operation, almost change the moral face of government. It would silence all the clamours against the republican principle, and answer many of the fashionable calumnies against the character of the human heart.

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There is another queſtionable opinion now extant, even in republican countries; which, as it has made ſome figure in France, and is connected with the ſubject of ſalaries, I will mention in this place. It is ſuppoſed to be neceſſary, for the energy of government, that its officers ſhould aſſume a kind of external pomp and ſplendour, in order to dazzle the eye, and inſpire the public mind with a veneration for their authority. As this pomp cannot be ſupported without ſome expence, the ſuppoſed neceſſity for aſſuming it is always offered as a reaſon for high ſalaries; and, allowing the firſt poſition to be true, the conſequence is certainly reaſonable and juſt. If we are to be governed only by deception, it is right that we ſhould pay for this deception. But the whole argument is wrong; that is, if we allow monarchy and hierarchy to be wrong; it is a badge of that kind of government which is directly the reverſe of republican principles, or the government of reaſon. I do not deny, that this official pomp has in a great meaſure the effect which is intended from it;

it; it impoſes on the unthinking part of mankind, and has a tendency to ſecure their obedience. This effect, however, is not ſo great as that of ſimplicity, and the native dignity of reaſon would be; but on the moral habits of ſociety, its operation is more pernicious than at firſt view we are ready to imagine. So far as the people are caught by the impoſition, it leads them to wrong ideas of themſelves, of their officers, and of the real authority of laws. This is a fatal deviation from the true deſign of government; for its principal object certainly ought to be, to rectify our opinions, and improve our morals.

For my own part, when I ſee a man in private life aſſuming an external ſplendour, for the ſake of gaining attention, I cannot but feel it an inſult offered to my underſtanding; becauſe it is ſaying to me, that I have not diſcernment enough to diſtinguiſh his merit, without this kind of *ecce ſignum*. And when an officer of government exhibits himſelf in the foppery of a puppet, and is drawn by ſix or eight

horſes, where two would be really more convenient to himſelf, I am grieved at the inſult offered to the nation, and at their ſtupidity in not perceiving it. For the language of the mummery is ſimply this, That the officer cannot rely upon his own perſonal dignity as a title to reſpect, nor the laws be truſted to their own juſtice, to inſure their execution. It is a full acknowledgment on his part, that the government is bad, and that he is obliged to dazzle the eyes of the people, to prevent their diſcovering the cheat. When a ſet of judges on the bench take the pains to ſhroud their head and ſhoulders in a fleece of horſe-hair, in order to reſemble the bird of wiſdom, it raiſes a ſtrong ſuſpicion, that they mean to palm upon us the emblem for the reality.

It is eſſential to the character of a free republic, that every thing ſhould be reduced to the ſtandard of reaſon; that men and laws ſhould depend on their own intrinſic merit, and that no ſhadow of deception ſhould ever be offered to the people;

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as it cannot fail to corrupt them, and pave the way to oppreſſion. I make theſe remarks, not that they will form an article proper to enter into your conſtitution, but to remove every appearance of argument in favour of high ſalaries. And I think the conſtitution ought to contain a general declaration, *that every public ſalary ſhould be reſtricted to a ſum not more than ſufficient to reward the officer for his labour*; which ſum muſt, of courſe, be left to be fixed by the legiſlature.

Seventh, There appears to me to be an error of doctrine in France, with reſpect to the relation which ought to ſubſiſt between the repreſentative, and his immediate conſtituents. It is ſaid, that when a repreſentative is once choſen, and ſent to the Aſſemby, he is no longer to be conſidered as repreſenting the people of the particular department which ſent him, but of the nation at large; and therefore, during the term for which he is choſen, he is not accountable to the people who choſe him, but is to be controuled, removed or

ſuſpended, only by the National Aſſembly. This appears to have been eſtabliſhed, in order to get rid of a contrary doctrine, which was found to be inconvenient; which was, that a delegate ſhould be bound at all times to follow the *inſtructions* of his conſtituents; as thereby all the advantages to be expected from diſcuſſion and deliberation would be loſt. If the firſt of theſe be an error, as I believe it is, it may eaſily be avoided, without running into the laſt. When the delegate receives inſtructions, which prove to be contrary to the opinion which he afterwards forms, he ought to preſume that his conſtituents, not having had the advantage of hearing the national diſcuſſion, are not well informed on the ſubject, and his duty is to vote according to his conſcience. It is to be ſuppoſed that, for his own ſake, he will explain to them his motives; but if for this, or any other circumſtance, they ſhould be diſſatisfied with his conduct, they have an undoubted right at any time to recall him, and nominate another in his place. This will tend to maintain a proper relation be-

tween

tween the repreſentative and the people, and a due dependence of the former upon the latter. Beſides, when a man has loſt the confidence of his fellow-citizens of the department, he is no longer their repreſentative; and when he ceaſes to be theirs, he cannot in any ſenſe be the repreſentative of the nation; ſince it is not pretended that he can derive any authority, but through his own conſtituents. This, however, cannot deprive the aſſembly of its right to expel or ſuſpend a member for any refractory conduct, which may be deemed an offence againſt the ſtate.

Eighth, The article of *inviolability*, as applied to the members of the aſſembly, or to any other officers of the ſtate, is worthy of re-conſideration. But before it be again decided in the affirmative, you ought to take a general view of that intereſting ſubject of *impriſonment for debt*. It is a ſpecies of civil cruelty which all modern governments have borrowed from the Roman law, which conſidered a debtor as a criminal, and committed the care of his puniſhment

ment into the hands of the creditor, lending the public priſon as an inſtrument of private vengeance. It is a diſgrace to the wiſdom of a nation, and can never be allowed in a well regulated ſtate. If no citizen could be arreſted or deprived of his liberty, for debt, there would be no need of making an exception in favour of the officers of government; and thus you would remove a diſtinction which muſt always appear unjuſt.

Ninth, You will ſcarcely think that your duty is diſcharged, ſo as to ſatisfy your own minds on the eſtabliſhment of a conſtitution, from which the friends of humanity will anticipate a total regeneration of ſociety, until you ſhall have given a farther declaration on the ſubject of criminal law. All men of reflection are agreed, that puniſhments in modern times have loſt all proportion to the crimes to which they are annexed, even on that ſcale of barbarous juſtice by which they were introduced. Few, however, have had the wiſdom to diſcover, or the boldneſs to declare,

clare, the true cauſe of the evil; and while we remain ignorant of the cauſe, it is no wonder that we fail in finding the remedy. In the glooms of meditation on the miſeries of civilized life, I have been almoſt led to adopt this concluſion, That ſociety itſelf is the cauſe of all crimes; and, as ſuch, it has no right to puniſh them at all. But, without indulging the ſeverity of this unqualified aſſertion, we may venture to ſay, that every puniſhment is a new crime; though it may not in all caſes be ſo great as would follow from omitting to puniſh.

There is a manifeſt difference between *puniſhment* and *correction*; the latter, among rational beings, may always be performed by inſtruction; or at moſt by ſome gentle ſpecies of reſtraint. But puniſhment, on the part of the public, ariſes from no other ſource but a jealouſy of power. It is a confeſſion of the inability of ſociety, to protect itſelf againſt an ignorant or refractory member. When there are factions in a ſtate, contending for the ſupreme command, the pains inflicted by each party

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are ſummary; they often precede the crime; and the factions wreak their vengeance on each other, as a prevention of expected injuries. Something very ſimilar to this is what perpetually takes place in every nation, in what is called a ſtate of tranquillity and order. For government has uſually been nothing more than a regulated faction. The party which governs, and the party which reluctantly ſubmits to be governed, maintain a continual conflict; and out of that conflict proceed the crimes and the puniſhments, or, more properly ſpeaking, the puniſhments and the crimes. When we ſee the power of the nation ſeizing an individual, dragging him to a tribunal, pronouncing him worthy of death, and then going through the ſolemn formalities of execution, it is natural to aſk, what is the meaning of all this? It certainly means, that the nation is in a ſtate of civil war; and even in that barbarous ſtage of war, when it is thought neceſſary to put all priſoners to death. In deciding the queſtion, whether a particular criminal ſhould be put to death, I never would aſk what is the

nature

nature of his offence; it has nothing to do with the queſtion; I would ſimply enquire, what is the condition of the ſociety. If it be in a ſtate of internal peace, I would ſay it was wicked and abſurd to think of inflicting ſuch puniſhment. To plead that there is a neceſſity for that deſperate remedy, proves a want of energy in the government, or of wiſdom in the nation.

When men are in a ſtate of war, with the enemy's bayonets pointed at their breaſts, or when they are in the heat of a revolution, encompaſſed by treaſon, and tormented by corruption, there is an apology for human ſlaughter; but when you have eſtabliſhed a wiſe and manly government, founded on the moral ſenſe, and invigorated by the enlightened reaſon of the people, let it not be ſullied by that timid vengeance, which belongs only to tyrants and uſurpers. I could wiſh that your conſtitution might declare, not merely what it has already declared, that the penal code ſhall be reformed, but, that within a certain period after the return of peace,

the punishment of death shall be abolished. It ought likewise to enjoin it on the legislative body to soften the rigour of punishments in general, till they shall amount to little more than a tender paternal correction. Whoever will look into the human heart, and examine the order of nature in society, must be convinced, that this is the most likely method of preventing the commission of crimes. But

Tenth, In order to be consistent with yourselves in removing those abuses which have laid the foundation of all offences against society, both in crimes and punishments, you ought to pay a farther attention to the necessity of *public instruction.* It is your duty, as a constituting assembly, to establish a system of government that shall improve the morals of mankind. In raising a people from slavery to freedom, you have called them to act on a new theatre; and it is a necessary part of your business, to teach them how to perform their parts. By discovering to a man his rights, you impose upon him a new

system

ſyſtem of duties. Every Frenchman, born to liberty, muſt now claim, among the firſt of his rights, the right of being inſtructed in the manner of preſerving them. This the ſociety has no authority to refuſe; and to fail of enjoining it on the legiſlative body, as a part of its conſtant care, would be to counteract the principles of the revolution, and expoſe the whole ſyſtem to be overturned.

From what the conſtitution has already declared on this head, and from the diſpoſition of the two laſt aſſemblies, I have no doubt but conſiderable attention will be paid to it; but I wiſh in this place to recommend it to a more particular conſideration, as a ſubject connected with criminal law. It is certain that no obedience can be rationally expected from any man to a law which he does not know. It is not only unjuſt, but abſurd and even impoſſible, to enforce his obedience. It is therefore but half the buſineſs of legiſlators to make good laws; an indiſpenſable part of their duty is to ſee that every perſon in

the ſtate ſhall perfectly underſtand them. The barbarous maxim of juriſprudence, *That ignorance of the law is no excuſe to the offender*, is an inſolent apology for tyranny, and ought never to diſgrace the policy of a rational government. I think therefore it would do honour to your conſtitution, and ſerve as a ſtimulus to your legiſlature and to your magiſtrates, in the great duty of inſtruction, to declare, *That knowledge is the fouudation of obedience, and that laws ſhall have no authority but where they are underſtood.*

Eleventh, Since I am treating of morals, the great object of all political inſtitutions, I cannot avoid beſtowing ſome remarks on the ſubject of *public lotteries*. It is a ſhocking diſgrace to modern governments, that they are driven to this pitiful piece of knavery, to draw money from the people. But no circumſtance of this kind is ſo extraordinary, as that this policy ſhould be continued in France, ſince the revolution; and that a ſtate lottery ſhould ſtill be reckoned among the permanent

ſources

ſources of revenue. It has its origin in deception; and depends for its ſupport, on raiſing and diſappointing the hopes of individuals, on perpetually agitating the mind with unreaſonable deſires of gain, on clouding the underſtanding with ſuperſtitious ideas of chance, deſtiny, and fate, on divertin the attention from regular induſtry, and promoting a univerſal ſpirit of gambling, which carries all ſorts of vices into all claſſes of people. Whatever way we look into human affairs, we ſhall ever find, that the bad organization of ſociety is the cauſe of more diſorders than could poſſibly ariſe from the natural temper of the heart. And what ſhall we ſay of a government, that avowedly ſteps forward with the inſolence of an open enemy, and creates a new vice, for the ſake of loading it with a tax? What right has ſuch a government to puniſh our follies? And who can look without diſguſt on the impious figure it makes, in holding the ſcourge in one hand, and the temptation in the other? You cannot heſitate to declare in your conſtitution, that all ſtate lotteries ſhall be for ever aboliſhed.

Twelfth,

Twelfth, As yours is the firſt nation in the world, that has ſolemnly renounced the horrid buſineſs of conqueſt, you ought to proceed one ſtep farther, and declare, that you will have no more to do with *colonies*. This is but a neceſſary conſequence of your former renunciation. For colonies are an appendage of conqeuſt; and to claim a right to the one would be claiming a perpetual, or reiterated right to the other. Suppoſing your colonies were to declare independence, and ſet up a government of their own, (which your own principles and the firſt laws of nature declare they have a right to do) in that caſe, the ſame pretences which you now have to hold them under your controul, would certainly juſtify you in reconquering and ſubjecting them. But it would be a mere waſte of argument, to prove that you have no *right* to retain a ſovereignty over them; and if I could bring myſelf to pay ſo ill a compliment to your juſtice, as to ſuppoſe that you could wiſh to violate a right, for the ſake of what is called *policy*, it would be eaſy to ſhow, that to maintain foreign

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poſſeſſions, is in all caſes as impolitic, as it is unjuſt and oppreſſive. Policy, in this reſpect, can have no other object, but the advantages of trade; and it may be laid down as a univerſal poſition, that whatever ſolid advantages can flow to the mother country from the trade of her colonies, would neceſſarily flow to her, if they were independent ſtates. The experience of mankind has not yet enabled us even to ſuppoſe a caſe, in which it would be otherwiſe. Whatever is free and mutually advantageous in trade, would be natural, and would be carried on by each party for its own intereſt: whatever is unnatural and forced muſt be ſecured by means that will probably leſſen the quantity of the whole; but at all events, the coſt of maintaining it will for ever exceed the profits. This is not only found to be true, from the experience of every nation which has maintained colonies abroad; but the nature of the ſubject requires that it ſhould always be the caſe. It is a theory, for the proof of which no experience could have been

neceſſary;

neceſſary; and it is to the pride of kings, and the miſtaken rapacity of governments, to the falſe glare of extended ſovereignty, and the deſire of providing predatory places for the ſycophants of courts, that we are to attribute the train of calamities which has tormented the maritime nations of Europe, in maintaining colonies for the monopoly of trade. And where are we to look for reaſon and reformation, but to France? The Engliſh and other governments, to ſupport a conſiſtency of character, and fill up the meaſure of their ſins, are faithful only to this one point, that the more they are convinced of the truth, the more obſtinate is their perſeverance in error.

I cannot but think it unneceſſary, if not impertinent, to enter into farther arguments to prove, that juſtice, policy, and the true principles of commerce, require you to ſet the example to the world, of declaring your colonies abſolutely free and independent ſtates, and of inviting them

them to form a government of their own. The example would ſoon be followed by other nations; if not from reaſon and from choice, at leaſt from the more imperious argument of neceſſity.

Thirteenth, I cannot cloſe my letter, without ſome reflections on the policy of maintaining any thing like what is called *a ſtanding army in time of peace,* which ſeems to have been the intention of your firſt Aſſembly. Such a force would have many fatal effects on the ſpirit of a republican government, without anſwering any good purpoſe that can be expected from it. According to your own principles, you will have no more to do with foreign wars, unleſs you are invaded; and it is probable, that the preſent is the laſt invaſion that will ever be formed againſt France. But, be that as it may, a ſtanding military force is the worſt reſource that can be found for the defence of a free republic. In this caſe, the ſtrength of the army is the weakneſs of the nation. If

the army be really ſtrong enough to be relied on for defence, it not only impoſes on the people a vaſt unneceſſary expence, but it muſt be a dangerous inſtrument, in the hands of dangerous men; it may furniſh the means of civil wars, and of the deſtruction of liberty. If, on the contrary, it be not ſufficient for external defence, it will only ſerve to diſappoint the people. Being taught to believe that they have an army, they will ceaſe to truſt in their own ſtrength, and be deceived in their expectations of ſafety.

But the greateſt objection againſt a ſtanding army is, the effect it would have on the political ſentiments of the people. Every citizen ought to feel himſelf to be a neceſſary part of the great community, for every purpoſe to which the public intereſt can call him to act; he ſhould feel the habits of a citizen and the energies of a ſoldier, without being excluſively deſtined to the functions of either. His phyſical and moral powers ſhould be kept in equal vigour;

vigour; as the diſuſe of the former would be very ſoon followed by the decay of the latter. If it be wrong to truſt the legiſlative power of the ſtate for a number of years, or for life, to a ſmall number of men; it is certainly more prepoſterous to do the ſame thing with regard to military power. Where the wiſdom reſides, there ought the ſtrength to reſide, in the great body of the people; and neither the one nor the other ought ever to be delegated, but for ſhort periods of time, and under ſevere reſtrictions. This is the way to preſerve a temperate and manly uſe of both; and thus, by truſting only to themſelves, the people will be ſure of a perpetual defence againſt the open force, and the ſecret intrigues of all poſſible enemies at home and abroad.

Fourteenth, After tracing the outlines of your conſtitution, according to your preſent ideas, and proclaiming it in the moſt ſolemn manner, as the foundation of law and right, it will ſtill be vain to think of reſtraining the people from making al-

terations and amendments, as often as experience ſhall induce them to change their opinions. The point you have to aim at in this, is to agree upon a method in which amendments can be made, without any of thoſe extraordinary exertions, which would occaſion unneceſſary inſurrections. The more eaſy and expeditions this method ſhall appear, the leſs likely it will be to provoke diſorders, and the better it will anſwer the purpoſe, provided it always refers the ſubject to the real wiſhes of the people. I would propoſe, therefore, (on the preſumption that your legiſlative body ſhall be choſen only for one year at a time) that every annual National Aſſembly ſhall have power to propoſe, and the next ſucceeding one to adopt and ratify, any amendments that they ſhall think proper in the conſtitutional code. But it ſhould always be done under this reſtriction, that the articles to be propoſed by any one Aſſembly, ſhould be agreed to, and publiſhed to the people in every department, within the firſt ſix months of the ſeſſions of that Aſſembly.

Aſſembly. This would give time to the people to diſcuſs the ſubject fully, and to form their opinions, previous to the time of electing their members to the next Aſſembly. The members of the new Aſſembly, when they ſhould come together, would thus be competent to declare the wiſhes of the people on the amendments propoſed, and would act upon them as they ſhould think proper. The ſame power of propoſing and adopting would be continued from year to year with perfect ſafety to the conſtitution, and with the probability of improvement.

Thus, gentlemen, I have given a haſty ſketch of ſome leading ideas, that lay with weight upon my mind, on a ſubject of much importance to the intereſts of a conſiderable portion of the human race. If they ſhould be thought of no value, they will of courſe occupy but little of your attention, and therefore can do no injury. If I have ſaid any thing from which a uſeful reflection ſhall be drawn, I ſhall feel myſelf

myſelf happy in having rendered ſome ſervice to the moſt glorious cauſe that ever engaged the attention of mankind.

JOEL BARLOW.

London Sept 26,
1792.

ADVICE

TO THE

PRIVILEGED ORDERS,

IN THE

SEVERAL STATES OF EUROPE,

RESULTING FROM THE

NECESSITY AND PROPRIETY

OF

A GENERAL REVOLUTION IN THE PRINCIPLE OF GOVERNMENT.

By JOEL BARLOW, Esquire

PART I.

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(L. S.) BE it remembered, that on the eleventh day of June, in the ſixteenth year of the Independence of the United States of America, JOEL BARLOW, Eſquire, hath depoſited in this office, the title of a Book, the right whereof he claims as Author, in the words following, viz.

ADVICE TO THE

PRIVILEGED ORDERS,

IN THE

SEVERAL STATES OF EUROPE;

Reſulting from the neceſſity and propriety of a general revolution in the principle of government,

By JOEL BARLOW, Eſq.

PART I.

IN conformity to the act of the Congreſs of the United States, entitled "an act for the encouragement of learning, by ſecuring the copies of maps, charts and books, to the authors and proprietors of ſuch copies, during the times therein mentioned."

ROBERT TROUP,

Clerk of the District.

ADVICE

TO THE

PRIVILEGED ORDERS.

INTRODUCTION.

THE French Revolution is at laſt not only accompliſhed, but its accompliſhment univerſally acknowledged, beyond contradiction abroad, or the power of retraction at home. It has finiſhed its work, by organizing a government, on principles approved by reaſon; an object long contemplated by different writers, but never before exhibited, in this quarter of the globe. The experiment now in operation will ſolve a queſtion of the firſt magnitude in human affairs: Whether *Theory* and *Practice*, which always agree together in things of ſlighter moment, are really to remain eternal enemies in the higheſt concerns of men?

The change of government in France is, properly ſpeaking, a renovation of ſociety;

an object peculiarly fitted to hurry the mind into a field of thought, which can ſcarcely be limited by the concerns of a nation, or the improvements of an age. As there is a tendency in human nature to imitation; and, as all the apparent cauſes exiſt in moſt of the governments of the world, to induce the people to wiſh for a ſimilar change, it becomes intereſting to the cauſe of humanity, to take a deliberate view of the real nature and extent of this change, and find what are the advantages and diſadvantages to be expected from it.

There is not that necromancy in politics, which prevents our foreſeeing, with tolerable certainty, what is to be the reſult of operations ſo univerſal, in which all the people concur. Many truths are as perceptible when firſt preſented to the mind, as an age or a world of experience could make them; others require only an indirect and collateral experience; ſome demand an experience direct and poſitive.

It is happy for human nature, that in morals we have much to do with this firſt claſs of truths, leſs with the ſecond, and very little with the third; while in phyſics we are perpetually driven to the ſlow proceſs of patient and poſitive experience.

The Revolution in France certainly comes recommended to us under one aſpect which renders it at firſt view extremely inviting: it is the work of argument and rational con-

viction, and not of the ſword. The *ultima ratio regum* had nothing to do with it. It was an operation deſigned for the benefit of the people; it originated in the people, and was conducted by the people. It had therefore a legitimate origin; and this circumſtance entitles it to our ſerious contemplation, on two accounts: becauſe there is ſomething venerable in the idea, and becauſe other nations, in ſimilar circumſtances, will certainly be diſpoſed to imitate it.

I ſhall therefore examine the nature and conſequences of a ſimilar revolution in government, as it will affect the following principal objects, which make up the affairs of nations in the preſent ſtate of Europe:

I. The feudal Syſtem,
II. The Church,
III. The Military,
IV. The Adminiſtration of Juſtice,
V. Revenue and public Expenditure,
VI. The Means of Subſiſtence,
VII. Literature, Sciences and Arts,
VIII. War and Peace.

The intereſts of kings and hereditary ſucceſſion will not be forgotten in this arrangement; they will be treated with the privileged orders under the ſeveral heads to which their different claims belong.

It muſt be of vaſt importance to all the claſſes of ſociety, as it now ſtands claſſed in Europe, to calculate before hand what they

are to gain or to lose by the approaching change; that, like prudent stock-jobbers, they may buy in or sell out, according as this great event shall affect them.

Philosophers and contemplative men, who may think themselves disinterested spectators of so great a political drama, will do well to consider how far the catastrophe is to be beneficial or detrimental to the human race; in order to determine whether in conscience they ought to promote or discourage, accelerate or retard it, by the publication of their opinions. It is true, the work was set on foot by this sort of men; but they have not all been of the same opinion relative to the best organization of the governing power, nor how far the reform of abuses ought to extend. Montesquieu, Voltaire, and many other respectable authorities, have accreditted the principle, that republicanism is not convenient for a great state. Rosseau and others take no notice of the distinction between great and small states, in deciding, that this is the only government proper to ensure the happiness, and support the dignity of man. Of the former opinion was a great majority of the constituting national assembly of France. Probably not many years will pass, before a third opinion will be universally adopted, never to be laid aside: That the republican principle is not only proper and safe for the government of any people; but, that its propriety

and ſafety are in proportion to the magnitude of the ſociety and the extent of the territory.

Among ſincere enquirers after truth, all general queſtions on this ſubject reduce themſelves to this: Whether men are to preform their duties by an eaſy choice or an expenſive cheat; or, whether our reaſon be given us to be improved or ſtifled, to render us greater or leſs than brutes, to increaſe our happineſs or aggravate our miſery.

Among thoſe whoſe anxieties ariſe only from intereſt, the enquiry is, how their privileges or their profeſſions are to be affected by the new order of things. Theſe form a claſs of men reſpectable both for their numbers and their ſenſibility; it is our duty to attend to their caſe. I ſincerely hope to adminiſter ſome conſolation to them in the courſe of this eſſay. And though I have a better opinion of their philanthropy, than political opponents generally entertain of each other, yet I do not altogether rely upon their preſumed ſympathy with their fellow-citizens, and their ſuppoſed willingneſs to ſacrifice to the public good; but I hope to convince them, that the eſtabliſhment of general liberty will be leſs injurious to thoſe who now live by abuſes, than is commonly imagined; that protected induſtry will produce effects far more aſtoniſhing than have ever been calculated; that the increaſe of enjoyments will be ſuch, as to ameliorate the condition of every human creature.

To perſuade this claſs of mankind that it is neither their duty nor their intereſt to endeavor to perpetuate the ancient forms of government, would be a high and holy office; it would be the greateſt act of charity to them, as it might teach them to avoid a danger that is otherwiſe unavoidable; it would preclude the occaſion of the people's indulging what is ſometimes called a ferocious diſpoſition, which is apt to grow upon the revenge of injuries, and render them leſs harmonious in their new ſtation of citizens; it would prevent the civil wars, which might attend the inſurrections of the people, where there ſhould be a great want of unanimity,—for we are not to expect in every country that mildneſs and dignity which have uniformly characterized the French, even in their moſt tumultuous movements *; it would remove every obſta-

* Whatever reaſon may be given for the fact, I believe all thoſe who have been witneſſes of what are called *mobs* in France (during the revolution) will join with me in opinion, that they were by no means to be compared with Engliſh mobs, in point of indiſcriminate ferocity and private plunder. A popular commotion in Paris was uniformly directed to a certain well explained object; from which it never was known to deviate. Whether this object were to hang a man, to arreſt the king, to intimidate the court, or to break the furniture of a hotel, all other perſons and all other property, that fell in the way of the mob, were perfectly ſafe.

The truth is, thoſe collections were compoſed of honeſt and induſtrious people, who had nothing in view but the public good. They believed that the cauſe of their country required an execution of juſtice more prompt than could be expected from any eſtabliſh tribunal. Beſides, they were in the criſis of a revolution, when they were ſenſible, that the crimes or their

cle and every danger that may ſeem to attend that rational ſyſtem of public felicity to which the nations of Europe are moving with rapid ſtrides, and which in proſpect is ſo conſoling to the enlightened friends of humanity.

To induce the men who now govern the world to adopt theſe ideas, is the duty of thoſe who now poſſeſs them. I confeſs the taſk at firſt view appears more than Herculean; it will be thought an object from which the eloquence of the cloſet muſt ſhrink in deſpair, and which prudence would leave to the more powerful argument of events. But I believe at the ſame time that ſome ſucceſs may be expected; that though the haverſt be great, the laborers may not be few; that prejudice and intereſt cannot always be relied on to garriſon the mind againſt the aſſaults of truth. This belief, ill-grounded as it may appear, is ſufficient to annimate me in the cauſe; and to the venerable hoſt of republican writers, who have preceded me in the diſcuſſions occaſioned by the French revolution, this belief is my only apology for offering to join the fraterni-

enemies would remain unpuniſhed, for want of a known rule by which they could be judged. Though a violation of *right*, is not always a violation of *law*; yet, in their opinion, occaſions might exiſt, when it would be dangerous to let it paſs with impunity.

It is indeed to be hoped, that, whenever mobs in other countries ſhall be animated by the ſame cauſe, they will conduct themſelves with the ſame dignity; and that this ſingular phenomenon will be found not altogether attributable to national character.

ty, and for thus practically declaring my opinion, that they have not exhausted the subject.

The very powerful weapons, the force of reason and the force of numbers, are in the hands of the political reformers. While the use of the first brings into action the second, and ensures its co-operation, it remains a sacred duty, imposed on them by the God of reason, to wield with dexterity this mild and beneficent weapon, before recurring to the use of the other; which, though legitimate, may be less harmless; though infallible in operation, may be less glorious in victory.

The tyrannies of the world, whatever be the appellation of the government under which they are exercised, are all aristocratical tyrannies. An ordinance to plunder and murder, whether it fulminate from the Vatican, or steal silently forth from the Harem; whether it come clothed in the *certain science* of a Bed of Justice, or in the legal solemnities of a bench of lawyers; whether it be purchased by the caresses of a woman, or the treasures of a nation,—never confines its effects to the benefit of a single individual; it goes to enrich the whole combination of conspirators, whose business it is to dupe and to govern the nation. It carries its own bribery with itself through all its progress and connexions,—in its origination, in its enaction, in its vindication, in its execution; it is a fertilizing stream, that waters and vivifies its happy plants in the

numerous channels of its communication. Miniſters and ſecretaries, commanders of armies, contractors, collectors and tide-waiters, intendants, judges and lawyers,—whoever is permitted to drink of the ſalutary ſtream,—are all intereſted in removing the obſtructions and in praiſing the fountain from whence it flows.

The ſtate of human nature requires that this ſhould be the caſe. Among beings ſo nearly equal in power and capacity as men of the ſame community are it is impoſſible that a ſolitary tyrant ſhould exiſt. Laws that are deſigned to operate unequally on ſociety, muſt offer an excluſive intereſt to a conſiderable portion of its members, to enſure their execution upon the reſt. Hence has ariſen the neceſſity of that ſtrange complication in the governing power, which has made of politics an inexplicable ſcience ; hence the reaſon for arming one claſs of our fellow creatures with the weapons of bodily deſtruction, and another with the myſterious artillery of the vengeance of heaven ; hence the cauſe of what in England is called the independence of the judges, and what on the continent has created a judiciary nobility, a ſet of men who purchaſe the privilege of being the profeſſional enemies of the people, of ſelling their deciſions to the rich, and of diſtributing individual oppreſſion ; hence the ſource of thoſe Draconian codes of criminal juriſprudence which enſhrine the idol property in a bloody ſanctuary, and teach

the modern European, that his life is of leſs value than the ſhoes on his feet; hence the poſitive diſcouragements laid upon agriculture manufactures, commerce, and every method of improving the condition of men; for it is to be obſerved, that in every country the ſhackles impoſed upon induſtry are in proportion to the degree of general deſpotiſm that reigns in the government. This ariſes not only from the greater debility and want of enterpriſe in the people, but from the ſuperior neceſſity that ſuch governments are under, to prevent their ſubjects from acquiring that eaſe and information, by which they could diſcern the evil and apply the remedy.

To the ſame fruitful ſource of calamities we are to trace that perverſity of reaſon, which, in governments where men are permitted to diſcuſs political ſubjects, has given riſe to thoſe perpetual ſhifts of ſophiſtry by which they vindicate the prerogative of kings. In one age it is the *right of conqueſt*, in another *the divine right*, then it comes to be a *compact between king and people*, and laſt of all, it is ſaid to be founded on general convenience, *the good of the whole community*. In England theſe ſeveral arguments have all had their day; though it is aſtoniſhing that the two former could ever have been the ſubjects of rational debate: the firſt is the logic of the muſquet, and the ſecond of the chalice; the one was buried at Rennimede on the ſignature of Mag-

na Charta, the other took its flight to the continent with James the Second. The compact of king and people has lain dormant the greater part of the present century; till it was roused from slumber by the French revolution, and came into the service of Mr. Burke.

Hasty men discover their errors when it is too late. It had certainly been much more consistent with the temperament of that writer's mind, and quite as serviceable to his cause, to have recalled the fugitive claim of the divine right of kings. It would have given a mystic force to his declamation, afforded him many new epithets, and furnished subjects perfectly accordant with the copious charges of *sacrilege, atheism, murders, assassinations, rapes* and *plunders* with which his three volumes abound. He then could not have disappointed his friends by his total want of argument, as he now does in his two first essays; for on such a subject no argument could be expected; and in his third, where it is patiently attempted, he would have avoided the necessity of showing that he has none, by giving a different title to his book; for the "appeal," instead of being "from the new to the old whigs," would have been *from the new whigs to the old tories*; and he might as well have appealed to Cæsar; he could have found at this day no court to take cognizance of his cause.

But the great advantage of this mode of

handling the ſubject would have been, that it could have provoked no anſwers; the gauntlet might have been thrown, without a champion to have taken it up; and the laſt ſolitary admirer of chivalry have retired in negative triumph from the field.

Mr. Burke, however, in his defence of royalty, does not rely on this argument of the compact. Whether it be, that he is conſcious of its futility, or that in his rage he forgets that he has uſed it, he is perpetually recurring to the laſt ground that has yet been heard of, on which we are called upon to conſider kings even as a tolerable nuiſance, and to ſupport the exiſting forms of government: this ground is *the general good of the community.* It is ſaid to be dangerous to pull down ſyſtems that are already formed, or even to attempt to improve them; and it is likewiſe ſaid, that, were they peaceably deſtroyed, and we had ſociety to build up anew, it would be beſt to create hereditary kings, hereditary orders, and excluſive privileges.

Theſe are ſober opinions, uniting a claſs of reaſoners too numerous and too reſpectable to be treated with contempt. I believe however that their number is every day diminiſhing, and I believe the example which France will ſoon be obliged to exhibit to the world on this ſubject, will induce every man to reject them, who is not perſonally and excluſively intereſted in their ſupport.

The inconſiſtency of the conſtituting aſſembly, in retaining an hereditary king, armed with an enormous civil liſt, to wage war with a popular government, has induced ſome perſons to predict the downfall of their conſtitution. But this meaſure had a different origin from what is commonly aſſigned to it, and will probably have a different iſſue. It was the reſult rather of local and temporary circumſtances, than of any general belief in the utility of kings, under any modifications or limitations that could be attached to the office.

It is to be obſerved, *firſt*, that the French had a king upon their hands. This king had always been conſidered as a well-diſpoſed man; ſo that, by a fatality ſomewhat ſingular, though not unexampled in *regal hiſtory*, he gained the love of the people, almoſt in proportion to the miſchief which he did them. *Secondly*, their king had very powerful family connexions, in the ſovereigns of Spain, Auſtria, Naples and Sardinia; beſides his relations within the kingdom, whom it was neceſſary to attach, if poſſible, to the intereſts of the community. *Thirdly*, the revolution was conſidered by all Europe as a high and dangerous experiment. It was neceſſary to hide as much as poſſible the appearance of its magnitude from the eye of the diſtant obſerver. The reformers conſidered it as their duty to produce an internal regeneration of ſociety,

rather than an external change in the appearance of the court; to ſet in order the counting-houſe and the kitchen, before arranging the drawing-room. This would leave the ſovereigns of Europe totally without a pretext for interfering; while it would be conſoling to that claſs of philoſophers, who ſtill believed in the compatibility of royalty and liberty. *Fourthly*, this decree, That *France ſhould have a king*, and that he *could do no wrong*, was paſſed at an early period of their operations; when the above reaſons were apparently more urgent than they were afterwards, or probably will ever be again.

From theſe conſiderations we may conclude, that royalty is preſerved in France for reaſons which are fugitive; that a majority of the conſtituting aſſembly did not believe in it, as an abſtract principle; that a majority of the people will learn to be diſguſted with ſo unnatural and ponderous a deformity in their new edifice, and will ſoon hew it off.

After this improvement ſhall have been made, a few years experience in the face of Europe, and on ſo great a theatre as that of France, will probably leave but one opinion in the minds of honeſt men relative to the republican principle, or the great ſimplicity of nature applied to the organization of ſociety.

The example of America would have had great weight in producing this conviction; but it is too little known to the European rea-

ſoner, to be a ſubject of accurate inveſtigation. Beſides, the difference of circumſtances between that country and the ſtates of Europe has given occaſion for imagining many diſtinctions which exiſt not in fact, and has prevented the application of principles which are permanently founded in nature, and follow not the trifling variations in the ſtate of ſociety.

But I have not preſcribed to myſelf the taſk of entering into arguments on the utility of kings, or of inveſtigating the meaning of Mr. Burke in order to compliment him with an additional refutation. My ſubject furniſhes a more extenſive ſcope. It depends not on me, or Mr. Burke, or any other writer, or deſcription of writers, to determine the queſtion, whether a change of government ſhall take place, and extend through Europe. It depends on a much more important claſs of men, the claſs that cannot write; and in a great meaſure, on thoſe who cannot read. It is to be decided by men who reaſon better without books, than we do with all the books in the world. Taking it for granted, therefore, that a general revolution is at hand, whoſe progreſs is irreſiſtible, my object is to contemplate its probable effects, and to comfort thoſe who are afflicted at the proſpect.

CHAP. I.

Feudal Syſtem.

THE moſt prominent feature in the moral face of Europe, was imprinted upon it by conqueſt. It is the reſult of the ſubordination neceſſary among military ſavages, on their becoming cultivators of the ſoil which they had deſolated, and making an advantageous uſe of ſuch of the inhabitants as they did not chooſe to maſſacre, and could not ſell to foreigners for ſlaves.

The relation thus eſtabliſhed between the officers and the ſoldiers, between the victors and the vanquiſhed, and between them all and the lands which they were to cultivate, modified by the experience of unlettered ages, has obtained the name of the Feudal Syſtem, and may be conſidered as the foundation of all the political inſtitutions in this quarter of the world. The claims reſulting to particular claſſes of men, under this modification of ſociety, are called Feudal Rights; and to the individual poſſeſſors they are either nominal or real, conveying an empty title or a ſubſtantial profit.

My intention is not to enter on the details of this ſyſtem, as a lawyer, or to trace its pro-

greſs with the accuracy of an hiſtorian, and ſhow its peculiar fitneſs to the rude ages of ſociety which gave it birth. But, viewing it as an ancient edifice, whoſe foundation, worn away by the current of events, can no longer ſupport its weight, I would ſketch a few drawings, to ſhow the ſtyle of its architecture, and compare it with the model of the new building to be erected in its place.

The *philoſophy* of the Feudal Syſtem, is all that remains of it worthy of our contemplation. This I will attempt to trace in ſome of its leading points, leaving the practical part to fall, with its ancient founders and its modern admirers, into the peaceful gulph of oblivion to which I wiſh it a ſpeedy and an unobſtructed paſſage.

The original object of this inſtitution was undoubtedly, what it was alledged to be, the preſervation of turbulent ſocieties, in which men are held together but by feeble ties; and it effected its purpoſe by uniting the perſonal intereſt of the head of each family, with the perpetual ſafety of the ſtate. Thus far the purpoſe was laudable, and the means extremely well calculated for the end. But it was the fortune of this ſyſtem to attach itſelf to thoſe paſſions of human nature which vary not with the change of circumſtances. While national motives ceaſed by degrees to require its continuance, family motives forbade to lay it aſide. The ſame progreſſive improve-

ments in ſociety, which rendered military tenures and military titles firſt unneceſſary and then injurious to the general intereſt, at the ſame time ſharpened the avarice, and piqued the honor of thoſe who poſſeſſed them, to preſerve the excluſive privileges which rendered them thus diſtinguiſhed. And theſe privileges, united with the operations of the church, have founded and ſupported the deſpotiſms of Europe in all their diviſions, combinations and refinements.

Feudal Rights are either *territorial* or *perſonal.* I ſhall divide them into theſe two claſſes, for the ſake of beſtowing a few obſervations upon each.

The pernicious effects of the ſyſtem on territorial tenures are inconceivably various and great. In a legal view, it has led to thoſe intricacies and vexations, which we find attached to every circumſtance of real property which have perplexed the ſcience of civil juriſprudence, which have perpetuated the ignorance of the people, relative to the adminiſtration of juſtice, rendered neceſſary the intervention of lawyers, and multiplied the means of oppreſſion. But, in a political view, its conſequences are ſtill more ſerious, and demand a particular conſideration.

The firſt quality of the feudal tenure is to confine the deſcendible property to the *eldeſt male iſſue.* To ſay that this is contrary to nature, is but a feeble expreſſion. So abo-

minable is its operation, that it has ſeduced and perverted nature; her voice is ſtifled: intereſt itſelf is laid aſleep, and nothing but the eloquence of an incomprehenſible pride is heard on the occaſion. You will hear father and mother, younger brothers and ſiſters, rejoice in this proviſion of the law; the former conſigning their daughters to the gloomy priſon of a convent, and their younger ſons to the church or the army, to enſure their celibacy; that no remnant of the family may remain but the heir of the eſtate entire; the latter congratulating each other, that the elder brother will tranſmit unimpaired the title and the property, while they themſelves are content to periſh in the obſcurity of their ſeveral deſtinations. It is probable that, in another age, a tale of this kind will ſcarcely gain credit, and that the tear of ſenſibility may be ſpared by a diſbelief of the fact. It is however no creature of the imagination; it happened every day in France previous to the revolution; I have ſeen it with my own eyes and heard it with my own ears; it is now to be ſeen and heard in moſt other catholic countries.

But other points of view ſhow this diſpoſition of the law to be ſtill more reprehenſible in the eye of political philoſophy. It ſwells the inequality of wealth, which, even in the beſt regulated ſociety, is but too conſiderable; it habituates the people to believe in an

unnatural inequality in the rights of men, and by this means prepares them for ſervility and oppreſſion; it prevents the improvement of lands, and impedes the progreſs of induſtry and cultivation, which are beſt promoted on ſmall eſtates, where proprietors cultivate for themſelves; it diſcourages population, by inducing to a life of celibacy.—But I ſhall ſpeak of celibacy when I ſpeak of the church.

Whether men are born to govern, or to obey, or to enjoy equal liberty, depends not on the original capacity of the mind, but on the *inſtinct of analogy*, or the *habit of thinking*. When children of the ſame family are taught to believe in the unconquerable diſtinctions of birth among themſelves, they are completely fitted for a feudal government; becauſe their minds are familiariſed with all the gradations and degradations that ſuch a government requires. The birth-right of domineering is not more readily claimed on the one hand, than it is acknowledged on the other; and the Jamaica planter is not more habitually convinced that an European is ſuperior to an African, than he is that a lord is better than himſelf.

This ſubject deſerves to be placed in a light, in which no writer as far as I know, has yet conſidered it. When a perſon was repeating to Fontenelle the common adage *l'habitude eſt la ſeconde nature*, the philoſopher replied, *Et faites moi la grace de me dire, quelle eſt la*

premiere. When we aſſert that nature has eſtabliſhed *inequalities* among men, and has thus given to ſome the right of governing others, or when we maintain the *contrary* of this poſition, we ſhould be careful to define what ſort of nature we mean, whether the *firſt* or *ſecond nature*; or whether we mean that there is but one. A mere ſavage, Colocolo * for inſtance, would decide the queſtion of equality by a trial of bodily ſtrength, deſignating the man that could lift the heavieſt beam to be the legiſlator; and unleſs all men could lift the ſame beam, they could not be equal in their rights. Ariſtotle would give the preference to him that excelled in mental capacity. Ulyſſes would make the deciſion upon a compound ratio of both. But there appears to me another ſtep in this ladder, and that the *habit of thinking* is the only ſafe and univerſal criterion to which, in practice, the queſtion can be referred. Indeed, when intereſt is laid aſide, it is the only one to which, in civilized ages, it ever is referred. We never ſubmit to a king, becauſe he is ſtronger than we in bodily force, nor becauſe he is ſuperior in underſtandig or in information; but becauſe we believe him born to govern, or at leaſt, becauſe a majority of the ſociety believes it.

The *habit of thinking* has ſo much of nature in it, it is ſo undiſtinguiſhable from the inde-

* See the Araucana of Ercilla.

lible marks of the man, that it is a perfectly safe foundation for any syſtem that we may chooſe to build upon it; indeed it is the *only* foundation, for it is the only point of contact by which men communicate as moral aſſociates. As a practical poſition therefore, and as relating to almoſt all places and almoſt all times, in which the experiment has yet been made. Ariſtotle was as right in teaching, *That ſome are born to command, and others to be commanded*, as the national aſſembly was in declaring, That *men are born and always continue free and equal in reſpect to their rights.* The latter is as apparently falſe in the diet of Ratiſbon, as the former is in the hall of the Jacobins.

Abſtractedly conſidered, there can be no doubt of the unchangeable truth of the aſſembly's declaration; and they have taken the right method to make it a *practical* truth, by publiſhing it to the world for diſcuſſion. A general belief *that it is a truth*, makes it at once practical, confirms it in one nation, and extends it to others.

A due attention to the aſtoniſhing effects that are wrought in the world by *the habit of thinking*, will ſerve many valuable purpoſes. I cannot therefore diſmiſs the ſubject ſo ſoon as I intended; but will mention one or two inſtances of theſe effects, and leave the reflection of the reader to make the application to a thouſand others.

First, It is evident that all the arbitrary ſyſtems in the world are founded and ſupported on this *ſecond nature* of man, in counteraction of the *firſt*. Syſtems which diſtort and cruſh and ſubjugate every thing that we can ſuppoſe original and characteriſtic in man, as an undiſtorted being. It ſuſtains the moſt abſurd and abominable theories of religion, and honors them with as many martyrs as it does thoſe that are the moſt peaceful and beneficent.

But *ſecondly*, we find for our conſolation, that it will likewiſe ſupport ſyſtems of equal liberty and national happineſs. In the United States of America, the ſcience of liberty is univerſally underſtood, felt and practiſed, as much by the ſimple as the wiſe, the weak as the ſtrong. Their deep-rooted and inveterate habit of thinking is, that *all men are equal in their rights*, that *it is impoſſible to make them otherwiſe ;* and this being their undiſturbed belief, they have no conception how any man in his ſenſes can entertain any other. This point once ſettled, every thing is ſettled. Many operations, which in Europe have been conſidered as incredible tales or dangerous experiments, are but the infalible conſequences of this great principle. The firſt of theſe operations is *the buſineſs of election*, which with that people is carried on with as much gravity as their daily labor. There is no jealouſy on the occaſion, nothing lucra-

tive in office ; any man in ſocieiy may attain to any place in the government, and may exerciſe its functions. They believe that there is nothing more difficult in the management of the affairs of a nation, than the affairs of a family ; that it only requires more hands. They believe that it is the juggle of keeping up impoſitions to blind the eyes of the vulgar, that conſtitutes the intricacy of ſtate. Baniſh the myſticiſm of inequality, and you baniſh almoſt all the evils attendant on human nature.

The people being habituated to the election of all kinds of officers, the *magnitude* of the office makes no difficulty in the caſe. The Preſident of the United States, who has more power while in office than ſome of the kings of Europe, is choſen with as little commotion as a churchwarden. There is a public ſervice to be performed, and the people ſay who ſhall do it. The ſervant feels honored with the confidence repoſed in him, and generally expreſſes his gratitude by a faithful performance.

Another of theſe operations is making every citizen a ſoldier, and every ſoldier a citizen ; not only *permitting* every man to arm, but *obliging* him to arm. This fact told in Europe previous to the French revolution, woule have gained little credit ; or at leaſt it would have been regarded as a mark of an uncivilized people, extremely dangerous to

a well ordered ſociety. Men who build ſyſtems on an inverſion of nature, are obliged to invert every thing that is to make part of that ſyſtem. It is *becauſe the people are civilized, that they are with ſafety armed.* It is an effect of their conſcious dignity, as citizens enjoying equal rights, that they wiſh not to invade the rights of others. The danger (where there is any) from armed citizens, is only to the *government*, not to the *ſociety*; and as long as they have nothing to revenge in the government (which they cannot have while it is in their own hands) there are many advantages in their being accuſtomed to the uſe of arms, and no poſſible diſadvantage.

Power, habitually in the hands of a whole community, loſes all the ordinary aſſociated ideas of power. The exerciſe of power is a relative term; it ſuppoſes an oppoſition,—ſomething to operate upon. We perceive no exertion of power in the motion of the planetary ſyſtem, but a very ſtrong one in the movement of a whirlwind; it is becauſe we ſee obſtructions to the latter, but none to the former. Where the government is *not* in the hands of the people, there you find oppoſition, you perceive two contending intereſts, and get an idea of the exerciſe of power; and whether this power be in the hands of the government or of the people, or whether it change from ſide to ſide, it is always to be

dreaded. But the word *people* in America, has a different meaning from what it has in Europe. It there means the whole community, and comprehends every human creature; here it means ſomething elſe more difficult to define.

Another conſequence of the habitual idea of equality, is the *facility of changing the ſtructure of their government* whenever and as often as the ſociety ſhall think there is any thing in it to amend. As Mr. Burke has written no "reflections on the revolution" in America, the people there have never yet been told that they had no *right* "to frame a government for themſelves;" they have therefore done much of this buſineſs, without ever affixing to it the idea of "ſacrilege" or "uſurpation," or any other term of rant to be found in that gentleman's vocabulary.

Within a few years the fifteen ſtates have not only framed each its own ſtate-conſtitution, and two ſucceſſive Federal conſtitutions; but ſince the ſettlement of the preſent general government in the year 1789, three of the ſtates, Pennſylvania, South-Carolina and Georgia have totally new modeled their own. And all this is done without the leaſt confuſion; the operation being ſcarcely known beyond the limits of the ſtate where it is performed. Thus they are in the habit of "*chooſing their own governors*," of "*caſhiering them for miſconduct*," of "*framing a govern-*

ment for themſelves," and all thoſe abominable things, the mere naming of which, in Mr. Burke's opinion, has polluted the pulpit in the Old Jury.

But it is ſaid, Theſe things will do very well for America, where the people are leſs numerous, leſs indigent, and better inſtructed; but they will not apply to Europe. This objection deſerves a reply, not becauſe it is ſolid, but becauſe it is faſhionable. It may be anſwered, that ſome parts of Spain, much of Poland, and almoſt the whole of Ruſſia, are leſs peopled than the ſettled country in the United States; that poverty and ignorance are *effects* of ſlavery rather than its *cauſes*; but the beſt anſwer to be given, is the example of France. To the event of that revolution I will truſt the argument. Let the people have time to become thoroughly and ſoberly grounded in the doctrine of *equality*, and there is no danger of oppreſſion either from government or from anarchy. Very little inſtruction is neceſſary to teach a man his rights; and there is no perſon of common intellects in the moſt ignorant corner of Europe, but receives leſſons enough, if they were of the proper kind. For writing and reading are not indiſpenſible to the object; it is *thinking* right which makes them act right. Every child is taught to repeat about fifty Latin prayers, which ſet up the Pope, the Biſhop, and the King, as the trinity of

his adoration; he is taught that *the powers that be are ordained of God*, and therefore the ſoldier quartered in the pariſh has a right to cut his throat. Half this inſtruction, upon oppoſite principles, would go a great way; in that caſe nature would be aſſiſted, while here ſhe is counteracted. Engrave it on the heart of a man, *that all men are equal in rights*, and that the *government is their own*, and then perſuade him to ſell his crucifix and buy a muſquet,—and you have made him a good citizen.

Another conſequence of a ſettled belief in the equality of rights, is, that under this belief *there is no danger from Anarchy*. This word has likewiſe acquired a different meaning in America from what we read of it in books. In Europe it means confuſion, attended with mobs and carnage, where the innocent periſh with the guilty. But it is very different where a country is *uſed* to a repreſentative government, though it ſhould have an interval of no government at all. Where the people at large feel and know that they *can do every thing* by themſelves perſonally, they really do nothing by themſelves perſonally. In the heat of the American revolution, when the people in ſome ſtates were for a long time without the leaſt ſhadow of law or government, they always acted by committees and repreſentation. This they muſt call anarchy for they know no other.

Theſe are materials for the formation of

governments, which need not be dreaded, though disjointed and laid asunder to make some repairs. They are deep-rooted habits of thinking, which almost change the moral nature of man; they are principles as much unknown to the ancient republics as to the modern monarchies of Europe.

We must not therefore rely upon systems drawn from the experimental reasonings of Aristotle, when we find them contradicted by what we feel to be the eternal truth of nature, and see brought to the test of our own experience. Aristotle was certainly a great politician; and Claudius Ptolemy was a great geographer: but the latter has said not a word of America, the largest quarter of the globe; nor the former of representative republics, the resource of afflicted humanity.

Since I have brought these two great luminaries of science so near together, I will keep them in company a moment longer, to show the strange partiality that we may retain for one superstition after having laid aside another, though they are built on similar foundations. Ptolemy wrote a system of astronomy; in which he taught, among other things, that the earth was the centre of the universe, and that the heavenly bodies moved round it. This system is now taught (to the exclusion by anathama of all others) in Turkey, Arabia, Persia, Palestine, Egypt, and wherever the

doctrines of Mahomet are taught; while at the ſame time, and with the ſame reverence, the politics of Ariſtotle are taught at the univerſity of Oxford. The ground which ſupports the one is, that the ſun ſtopt its courſe at the command of Joſhua, which it could not have done, had it not been in motion; and the other, that *the powers that be are ordained of God.* Mention to a Muſſulman the Copernican ſyſtem, and you might as well ſpeak to Mr. Burke about the rights of man; they both call you an atheiſt.—But I will proceed with the feudal ſyſtem.

The next quality of a feudal tenure is what is commonly called on the continent the right of *ſubſtitution,* in the Engliſh law, known by the name of *entail.* Of all the methods that have yet been diſcovered to prevent men from enjoying the advantages that nature has laid before them, this is the moſt extraordinary, and in many reſpects the moſt effectual. There have been ſuperſtitions entertained by many nations relative to property in lands, rendering them more difficult of alienation than other poſſeſſions, and conſequently, leſs productive. Such was the *jus retractus* of the Romans, the family-right of redemption, and the abſolute reſtoration once in fifty years among the Jews, ſimilar regulations among the ancient Egyptians, and laws to the ſame purpoſe under the government of the Incas in Peru.

Theſe were all calculated to perpetuate family diſtinctions, and to temper the minds of men to an ariſtocratical ſubordination. But none of them were attended with the barbarous excluſion of younger brothers; nor had they the preſumption to put it into the power of a dying man, who could not regulate the diſpoſition of his ſandals for one hour, to ſay to all mankind thenceforward to the end of time, "Touch not my inheritance! I will that this tract of country, on which I have taken my pleaſure, ſhall remain to the wild beaſts and to the fowls of heaven; that one man only of each generation ſhall exiſt upon it; that all the reſt, even of my own poſterity, ſhall be driven out hence as ſoon as born; and that the inheritor himſelf, ſhall not increaſe his enjoyments by alienating a part to ameliorate the reſt."

There might have been individual madmen in all ages, capable of *expreſſing* a deſire of this kind; but for whole nations, for many centuries together, to agree to *reverence* and *execute* ſuch hoſtile teſtaments as theſe, comported not with the wiſdom of the ancients; it is a ſuicide of ſociety, reſerved for the days of chivalry—to ſupport the governments of modern Europe.

Sir Edward Coke ſhould have ſpared his panegyric on the parliament of Edward the firſt as the fathers of the law of entailments.

He quots with ſingular pleaſure the words of Sir William Herle, who informs us that "King Edward I. was the wiſeſt king that e-"ver was, and they were ſage men that made "this ſtatute." Whatever wiſdom there is in the ſtatute, is of an elder growth. It is a plant of genuine feudal extraction brought into England by the Normans or Saxons, or ſome other conquerors; and though ſettled as common law, it began to be diſregarded and diſpiſed by the judicial tribunals, as a ſenſe of good policy prevailed. But the progreſs of liberality was arreſted by that parliament, and the law of entailments paſſed into the ſtatute of Weſtminſter the ſecond.

This was conſidered as law in America, previous to the revolution. But that epoch of light and liberty has freed one quarter of the world from this miſerable appendage of Gothiciſm; and France has now begun to break the ſhackles from another quarter, where they were more ſtrongly riveted. The ſimple deſtruction of theſe two laws, of *entailment* and *primogeniture*, if you add to it the *freedom of the preſs*, will enſure the continuance of liberty in any country where it is once eſtabliſhed.

Other territorial rights, peculiar to the feudal tenure, are leſs general in their operation, though almoſt infinite in their number and variety. Not a current of water, nor a mill-ſeat, nor a fiſh-pond, nor a foreſt, nor

the dividing line of a village or a farm, but gives name to and ſupports ſome ſeigneurial impoſition; beſides the numberleſs claims predicated upon all the poſſible actions and ceremonies that paſs, or are ſuppoſed to paſs, between the great lord and the little lord, and between the little lord and the leſs lord, and between him and the Lord knows whom. The national aſſembly in one decree ſuppreſſed about one hundred and fifty of theſe taxes by name, beſides a general ſweeping clauſe in the act, which perhaps deſtroyed as many more, the names of which no man could report.

One general character will apply to all theſe impoſitions: they are a diſcouragement to agriculture, an embaraſſment to commerce —they humiliate one part of the community, ſwell the pride of the other, and are a real pecuniary diſadvantage to both.

But it is time to pay our reſpects to thoſe feudal claims that we call *perſonal.* The firſt of theſe is *allegiance*—in its genuine Gothic ſenſe, called *perpetual allegiance.* It is difficult to expreſs a ſuitable contempt for this idea, without deſcending to language below the dignity of philoſophy. On the firſt inveſtiture of a fief, the ſuperior lord (ſuppoſing he had any right to it himſelf) has doubtleſs the power of granting it on whatever terms the vaſſal will agree to. It is an even bargain between the parties; and an

unchangeable allegiance during the lives of these parties may be a condition of it. But for a man to be *born* to such an allegiance to another man, is to have an evil star indeed; it is to be born to unchangeable slavery.

A nobleman of Tuscany, at this moment, canot step his foot over the limits of the duchy without leave from the Grand Duke, on pain of forfeiting his estate. Similar laws prevail in all feudal countries, where revolutions have not yet prevailed. They flee before the searching eye of liberty, and will soon flee from Europe.

Hitherto we have treated of claims, whether personal or territorial, that are confined to the eldest sons of families; but there is one genuine feudal claim, which "spreads undivided" to all the children, runs in all collateral directions, and extends to every drop of noble blood, wherever found, however mixed or adultrated—it is the claim of *idleness*. In general it is supposed that all indigent noble children are to be provided for by the government. But alas! the swarm is too great to be easily hived. Though the army, the navy, and the church, with all their possible multiplication of places, are occupied only by them, yet, as celibacy deprives them not of the means of propagation, the number continues so considerable, that many remain out of employment and destitute of the means of support.

In contemplating the peculiar deſtiny of this deſcription of men, we cannot but feel a mixture of emotions, in which compaſſion gets the better of contempt. in addition to the misfortunes incident to other claſſes of ſociety, their noble birth has entailed upon them a ſingular curſe; it has interdicted them every kind of buſineſs or occupation, even for procuring the neceſſaries of life. Other men may be found who have been deprived of their juſt inheritance by the barbarous laws of deſcent, who may have been neglected in youth and not educated to buſineſs, or who by averſion to induſtry are rendered incapable of any uſeful employment; but none but the offspring of a noble family can experience the ſuperadded fatality of being told, that to put his hand to the plough, or his foot into a counting-houſe, would diſgrace an illuſtrious line of anceſtors, and wither a tree of genealogy, which takes its root in a groom of ſome fortunate robber, who perhaps was an archer of Charlemagne.

Every capital in Europe, if you except London, throngs with this claſs of nobleſſe, who are really and literally tormented between their pride and their poverty. Indeed, ſuch is the prepoſterous tyranny of cuſtom, that thoſe who are rich, and take the lead in ſociety, have the cruelty to make *idleneſs* a *criterion of nobleſſe.* A proof of inoccupation is a ticket of admiſſion into their houſes

and an indiſpenſible badge of welcome to their parties.

But in France their hands are at laſt untied; the charm is broken, and the feudal ſyſtem, with all its infamous idolatries, has fallen to the ground. Honor is reſtored to the heart of man, inſtead of being ſuſpended from his button-hole; and uſeful induſtry gives a title to reſpect. The men that were formerly dukes and marqiuſſes are now exalted to farmers, manufacturers and merchants; the riſing generation among all claſſes of people are forming their maxims on a juſt eſtimate of things; and ſociety is extracting the poiſoned dagger which conqueſt had planted in her vitals.

CHAP. II.

The Church.

BUT it would have been impoſſible for the feudal ſyſtem, with all its powers of inverſion, to have held human nature ſo long debaſed, without the aid of an agent more powerful than an arm of fleſh, and without aſſailing the mind with other weapons than thoſe which are furniſhed from its temporal concerns. Mankind are by nature religious; the governors of nations, or thoſe perſons who contrive to live upon the labors of their fellow-creatures, muſt neceſſarily be few, in compariſon to thoſe who bear the burthens of the whole; their object therefore is to dupe the community at large, to conceal the ſtrength of the many, and magnify that of the few. An open arrangement of forces, whether phyſical or moral, muſt be artfully avoided; for men, however ignorant, are as naturally diſpoſed to calculation, as they are to religion; they perceive as readily that an hundred ſoldiers can deſtroy the captain they have made, as that thunder and lightning can deſtroy a man. Recourſe muſt therefore be had to myſteries and inviſi-

bilities; an engine muſt be forged out of the *religion* of human nature, and erected on its *credulity*, to play upon and extinguiſh the light of reaſon, which was placed in the mind as a caution to the one and a kind companion to the other.

This engine, in all ages of the world, has been the Church *. It has varied its appellation, at different periods and in different countries, according to the circumſtances of nations; but has never changed its character; and it is difficult to ſay, under which of its names it has done the moſt miſchief, and exterminated the greateſt number of the human race. Were it not for the danger of being miſled by the want of information, we ſhould readily determine, that under the aſſumption of chriſtianity it has committed greater ravages than under any other of its dreadful denominations.

* From that aſſociation of ideas, which uſually connects the *church* with *religion*, I may run the riſque of being miſunderſtood by ſome readers, unleſs I advertiſe them, that I conſider no connection as exiſting between theſe two ſubjects; and that where I ſpeak of church *indefinitely*, I mean the government of a ſtate, aſſuming the name of God, to govern by divine authority; or, in other words, *darkening the conſciences of men, in order to oppreſs them.*

In the United States of America, there is, ſtrictly ſpeaking, no ſuch thing as a Church; and yet in no country are the people more religious. All ſorts of religious opinions are entertained there, and yet no *hereſy* among them all; all modes of worſhip are practiſed, and yet there is no *ſchiſm*; men frequently change their creed and their worſhip, and yet there is no *apoſtaſy*; they have miniſters of religion, but no *prieſts*. In ſhort, religion is there a *perſonal* and not a *corporate* concern.

But we muſt not be haſty in deciding this queſtion; as, during the laſt fifteen centuries, in which we are able to trace with compaſſionate indignation the frenzy of our anceſtors, and contemplate the wandering demon of carnage, conducted by the *croſs* of the Weſt, the lights of hiſtory fail us with regard to the reſt of the world—we cannot travel with the *creſcent* of the Eaſt, in its unmeaſurable devaſtations from the Euxine to the Ganges; nor tell by what other incantations mankind have been inflamed with the luſt of ſlaughter, from thence to the north of Siberia or to the ſouth of Africa.

Could we form an eſtimate of the lives loſt in the wars and perſecutions of the Chriſtian Church alone, it muſt be nearly equal to the number of ſouls now exiſting in Europe. But it is perhaps in mercy to mankind, that we are not able to calculate, with any accuracy, even this portion of human calamities. When Conſtantine ordered that the *hierarchy* ſhould aſſume the name of Chriſt, we are not to conſider him as forming a new weapon of deſtruction; he only changed a name, which had grown into diſrepute, and would ſerve the purpoſe no longer, for one that was gaining an extenſive reputation; it being built on a faith that was likely to meet the aſſent of a conſiderable portion of mankind. The cold-hearted * cruelty of that monarch's

* The report of Zoſimus reſpecting the motives which induced

character, and his embracing the new doctrines with a temper hardened in the ſlaughter of his relations, were omens unfavorable to the future complexion of the hierarchy; though he had juſt coupled it with a name that had hitherto been remarkable for its mildneſs and humiliation. This tranſaction has therefore given colour to a ſcene of enormities, which may be regarded as nothing more than the genuine offspring of the *alliance of Church and State.*

This fatal deviation from the principles of the firſt founder of the faith, who declared

Conſtantine to embrace Chriſtianity, has not been generally credited, though the circumſtance is probable in itſelf, and the author is conſidered in other reſpects an hiſtorian of undoubted veracity; having written the hiſtory of all the emperors, down to his own time, which was the beginning of the fifth century.

His account is, That Conſtantine could not be admitted into the *eſtabliſhed church of Ceres* at Eleuſis, on account of the enormity of his crimes, in the murder of many of his own family. But on demanding admiſſion, the Hyerophant cried out with horror "Be gone, thou parricide, whom the gods will not pardon." The Chriſtian doctors ſeized this occaſion to adminiſter to the wants of the emperor, on condition that he would adminiſter to theirs; the bargain was advantageous on both ſides; he declared himſelf a Chriſtian. and took the church under his protection, and they pronounce his pardon.

The fawning ſervility of the new church and the blunt ſeverity of the old, on that occaſion, mark the preciſe character of the eccleſiaſtical policy of all ages; and both examples have been followed in numerous inſtances. The manœvres of the Pope on the converſion of Clovis, on ſanctioning the uſurpation of Pepin, and on the coronation of Charlemagne, are among the imitations of the former; the ridiculous chaſtiſement of Henry the Second of England, and the numerous anathemas fulminated againſt whole kingdoms, are proofs of the latter. We may likewiſe remark, that the conduct of Conſtantine has been copied in all its eſſential points by Henry the Eighth.

that his *kingdom was not of this world*, has deluged Europe in blood for a long ſucceſſion of ages, and carried occaſional ravages into all the other quarters of the globe. The pretence of extirpating the idolatries of ancient eſtabliſhments and the innumerable hereſies of the new, has been the never-failing argument of princes as well as pontiffs, from the wars of Conſtantine, down to the pitiful, ſtill-borne rebellion of Calonne and the Count d'Artois.

Fom the time of the converſion of Clovis, through all the Merovingian race, France and Germany groaned under the fury of eccleſiaſtical monſters, hunting down the Druids, overturning the temples of the Roman Polytheiſts, and drenching the plains with the blood of Arians*. The wars of Charlemagne againſt the Saxons, the Huns, the Lombards and the Moors, which deſolated Europe for forty years, had for their principal object the extending and purifying of the Chriſtian faith.

The Cruſades, which drained Europe of its young men at eight ſucceſſive periods, muſt have ſacrificed, including Aſiatics and Africans, at leaſt four millions of lives. The

* Exterminating heretics was a principal object of national ambition. Childebert I. who died in 558, has the following epitaph on his tomb in the Abbey of St. Germaine des pres, at Paris.

Le ſang des Arriens dont rougirent les plaines.
De montagnes de corps leur pays tout couvert,
Et leurs chefs mis a mort, ſont des preuves certaines
De ce que les Francois fierent ſous Childebert.

wars of the Guelfs and Gibelins, or Pope and Anti-Pope, ravaged Italy, and involved half Europe in factions for two centuries together. The expulfion of the Moors from Spain depopulated that kingdom by a war of feven hundred years, and eftablifhed the Inquifition to interdict the refurrection of fociety; while millions of the natives of South America have been deftroyed by attempting to convert them.

In this enumeration, we have taken no notice of that train of calamities which attended the reconverfion of the eaftern empire, and attaching it to the faith of Mahomet; nor of the various havoc which followed the difmemberment of the catholic church by that fortunate fchifm, which by fome is denominated the Lutheran herefy, and by others the Proteftant reformation.

But thefe, it will be faid, are only general traits of uncivilized-character, which we all contemplate with horror, and which, among enlightened nations, there can be no danger of being renewed. It is true, that in feveral countries, the glooms of intolerance feem to be pierced by the rays of philofophy; and we may foon expect to fee Europe univerfally difclaiming the right of one man to interfere in the religion of another. We may remark however, *firft*, that this is far from being the cafe at this moment; and *fecondly*, that it is a bleffing which never can originate

from any ſtate-eſtabliſhment of religion. For proofs of the former, we need not penetrate into Spain or Italy, nor recal the hiſtory of the late fanatical management of the war in Brabant, but look to the two moſt enlightened countries in Europe; ſee the riots at Birmingham, and the conduct of the refractory prieſts in France.

With regard to the ſecond remark,—we may as well own the truth at firſt as at laſt, and have ſenſe this year as the next: *The exiſtence of any kind of liberty is incompatible with the exiſtence of any kind of church.* By *liberty* I mean the enjoyment of equal rights, and by *church* I mean any mode of worſhip declared to be national, or declared to have any preference in the eye of the law.

To render this truth a little more familiar to the mind of any reader who ſhall find himſelf ſtartled with it, we will take a view of the church in a different light from what we have yet conſidered it. We have noticed hitherto only its moſt ſtriking characteriſtics, in which it appears like a giant, ſtalking over ſociety, and wielding the ſword of ſlaughter; but it likewiſe performs the office of ſilent diſeaſe and of unperceived decay; where we may contemplate it as a canker, corroding the vitals of the moral world, and debaſing all that is noble in man.

If I mention ſome traits which are rather peculiar to the Roman Catholic conſtitution,

it is becauſe that is the predominant church in thoſe parts of Europe, where revolutions are ſooneſt expected; and not becauſe it is any worſe or any better than any other that ever has or ever can exiſt. I hinted before, and it may not be amiſs to repeat, that the hierarchy is every where the ſame, ſo far as the circumſtances of ſociety will permit; for it borrows and lends, and interchanges its features in ſome meaſure with the age and nation with which it has to deal, without ever loſing ſight of its object. It is every where the ſame engine of ſtate; and whether it be guided by a Lama or a Muſti, by a Pontifex or a Pope, by a Bramin a Biſhop or a Druid, it is entitled to an equal ſhare of reſpect.

The firſt great object of the prieſt is to eſtabliſh a belief in the minds of the people, that *he himſelf is poſſeſt of ſupernatural powers;* and the church at all times has made its way in the world, in proportion as the prieſt has ſucceeded in this particular. This is the foundation of every thing—the life and ſoul of all that is ſubverſive and unaccountable in human affairs; it is introducing a new element into ſociety; it is the rudder under the water, ſteering the ſhip almoſt directly contrary to the wind that gives it motion.

A belief in the ſupernatural powers of the prieſt has been inſpired by means, which in different nations have been known by different names,

ſuch as aſtrologies, auguries, oracles or incantations. This article once eſtabliſhed, its continuation is not a difficult taſk. For as the church acquires wealth, it furniſhes itſelf with the neceſſary apparatus, and the trade is carried on to advantage. The impoſition too becomes more eaſy from the authority of precedent, by which the inquiſitive faculties of the mind are benumbed; men believe by preſcription, and orthodoxy is hereditary.

In this manner every nation of antiquity received the poiſon in its infancy, and was rendered incapable of acquiring a vigorous manhood of ſpeaking a national will, or of acting with that dignity and generoſity, which are natural to man in ſociety. The moment that Romulus conſulted the oracles for the building of his city, that moment he interdicted its future citizens the enjoyment of liberty among themſelves, as well as all ideas of juſtice towards their neighbors. Men never act their own opinions, in company with thoſe who can give them the opinions of gods; and as long as governors have an eſtabliſhed mode of conſulting the auſpices, there is no neceſſity to eſtabliſh any mode of conſulting the people. *Nihil publice ſine auſpiciis nec domi nec militiæ gerebatur* *, was the Roman *Magna Charta*; and it ſtood in place of a declaration of the rights of man. There is ſomething extremely impoſing in a maxim of

* *Cicero de divinatione.* Lib. I.

this kind. Nothing is more pious, peaceful and moderate in appearance; and nothing more ſavage and abominable in its operation. But it is a genuine *church maxim*, and, as ſuch, deſerves a further conſideration.

One obvious tendency of this maxim is, like the feudal rights, to inculcate radical ideas of inequalities among men; and it does this in a much greater degree. The feudal diſtance between man and man is perceptible and definite; but the moment you give one member of ſociety a familiar intercourſe with God, you launch him into the region of infinities and inviſibilities; you unfit him and his brethern to live together on any terms but thoſe of ſtupid reverence and of inſolent abuſe.

Another tendency is to make men cruel and ſavage in a preternatural degree. When a perſon believes that he is doing the immediate work of God, he diveſts himſelf of the feelings of a man. And an ambitious General, who wiſhes to extirpate or to plunder a neighboring nation, has only to order the prieſt to do his duty and ſet the people at work by an oracle; they then know no other bounds to their frenzy than the will of their leader, pronounced by the prieſt; whoſe voice to them is the voice of God. In this caſe the leaſt attention to mercy or juſtice would be abhorred as a diſobedience to the divine command. This circumſtance alone is ſufficient to account for two-thirds of the

cruelty of all wars—perhaps in a great meaſure for their exiſtence—and has given riſe to an opinion, that nations are cruel in proportion as they are religious. But the obſervation ought to ſtand thus, *That nations are cruel in proportion as they are guided by prieſts*; than which there is no axiom more undeniably without exception.

Another tendency of governing men by oracles, is to make them factious and turbulent in the uſe of liberty, when they feel themſelves in poſſeſſion of it. In all ancient democracies, the great body of the people enjoyed no liberty at all; and thoſe who were called freemen exerciſed it only by ſtarts, for the purpoſe of *revenging* injuries —not in a regular conſtituted mode of *preventing* them; the body politic uſed liberty as a medicine, and not as daily bread. Hence it has happened, that the hiſtory of ancient democracies and of modern inſurrections are quoted upon us, to the inſult of common ſenſe, to prove that a whole people is not capable of governing itſelf. The whole of the reaſoning on this ſubject, from the profound diſquiſitions of Ariſtotle, down to the puny whinings of Dr. Tatham *, are founded on a di-

* It may be neceſſary to inform the reader, that Dr. Tatham of Oxford has written a book in defence of Royalty and Mr. Burke. As this is the laſt as well as weakeſt thing against liberty that I have met with, it is mentioned in the text for the ſake of widening the graſp of my aſſertion, as well as for heightening the contraſt among all poſſible authors.

rect inversion of historical fact. It is the *want* of liberty, and not the *enjoyment* of it which has occasioned all the factions in society from the beginning of time, and will do so to the end; it is because the people are *not* habitually free from civil and ecclesiastical tyrants, that they are disposed to exercise tyranny themselves. Habitual freedom produces effects directly the reverse in every particular. For a proof of this, look into America; or if that be too much trouble, look into human nature with the eyes of common sense.

When the Christian religion was perverted and pressed into the service of Government, under the name of the *Christian Church*, it became necessary that its priests should set up for supernatural powers, and invest themselves in the same cloak of infalibility, of which they had stripped their predecessors, the Druids and the Augurs. This they effected by miracles; for which they gained so great a reputation, that they were canonized after death; and have furnished modern Europe with a much greater catalogue of saints, than could be found in any breviary of the ancients. The polytheism of the Catholic Church is more splendid for the number of its divinities, than that of the Eleusinian; and they are not inferior in point of attributes. The Denis of France is at least equal to the Jupiter of Greece or the Apis of Egypt. As to supernatural powers, the case is precisely the

ſame in both; and the portions of infalibility are dealt out from the Pope to the ſubordinate prieſts, according to their rank, in ſuch a manner as to complete the harmony of the ſyſtem.

Cicero has written with as much judgment and erudition on the "corruptions" of the old Roman Church, as Dr. Prieſtly has on thoſe of the new. But it is not the *church* which is corrupted by men, it is *men* who are corrupted by the church; for the very exiſtence of a church, as I have before defined it, is founded on a lie; it ſets out with the blaſphemy of giving to one claſs of men the attributes of God; and the practiſing of theſe forceries by that claſs, and believing them by another, corrupts and vitiates the whole.

One of the moſt admirable contrivances of the Chriſtian Church is the buſineſs of *confeſſions*. It requires great reflection to give us an idea of the effects wrought on ſociety by this part of the machinery. It is a ſolemn recognition of the ſupernatural powers of the prieſt, repeated every day in the year by every human creature above the age of twelve years. Nothing is more natural than for men to judge of every thing around them, and even of themſelves, by *compariſon*; and in this caſe what opinion are the laity to form of their own dignity? When a poor, ignorant, vicious mortal is ſet up for the *God*, what is to be the *man*? I cannot conceive of

any perſon going ſeriouſly to a confeſſional, and believing in the equality of rights, or poſſeſſing one moral ſentiment that is worthy of a rational being *.

Another contrivance of the ſame ſort, and little inferior in efficacy, is the law of *celibacy* impoſed on the prieſthood, both male and female, in almoſt all church-eſtabliſhments that have hitherto exiſted. The prieſt in the firſt place armed with the weapons of moral deſtruction, by which he is made the profeſſional enemy of his fellow men; and then, for fear he ſhould neglect to uſe thoſe weapons—for fear he ſhould contract the feelings and friendſhips of rational beings, by mingling with ſociety and becoming one of its members—for fear his impoſitions ſhould be diſcovered by the intimacy of family connections,—he is interdicted the moſt cordial endearments of life; he is ſevered from the ſympathies of his fellow-creatures, and yet com-

* The following tariff of the prices of abſolution will ſhow what ideas theſe holy fathers have inculcated relative to the proportional degree of moral turpitude in different crimes. It was reprinted at Rome no longer ago than the laſt century.

For a layman who ſhall ſtrike a prieſt without effuſion of blood - - -	£0	5	0
For one layman who ſhall kill another -	0	3	3
For murdering a father, mother, wife or ſiſter.	0	5	0
For eating meat in Lent - - -	0	5	5
For him who lies with his mother or ſiſter	0	3	8
For marrying on thoſe days when the Church forbids matrimony - -	2	0	0
For the abſolution of all crimes -	2	16	0

pelled to be with them; his affections are held in the *mortmain* of perpetual inactivity; and, like the dead men of Mezentius, he is lashed to society for tyranny and contamination.

The whole of this management, in selecting, preparing and organizing the members of the ecclesiastical body, is pursued with the same uniform, cold-blooded hostility against the social harmonies of life. The subjects are taken from the younger sons of noble families, who from their birth are considered as a nuisance to the house, and an outcast from parental attachment. They are then cut off from all opportunities of forming fraternal affections, and educated in a cloister; till they enter upon their public functions, as disconnected from the feelings of the community, as it is designed they shall ever remain from its interests.

I will not mention the corruption of morals, which must result from the combined causes of the ardent passions of constrained celibacy, and the secret interviews of the priest with the women of his charge, for the purpose of confessions; I will draw no arguments from the dissentions sown in families; the jealousies and consequent aberrations of husband and wife, occasioned by an intriguing stranger being in the secrets of both; the discouragements laid upon matrimony by a general dread of these consequences in the minds

of men of reflection—effects which are remarkable in all catholic countries; but I will conclude this article by obſerving the direct influence that eccleſiaſtical celibacy alone has had on the population of Europe.

This policy of the church muſt have produced at leaſt as great an effect, in thinning ſociety, as the whole of her wars and perſecutions. In Catholic Europe there muſt be near a million of eccleſiaſtics. This proportion of mankind continuing deducted from the agents of population for fifteen centuries, muſt have precluded the exiſtence of more than one hundred millions of the human ſpecies.

Should the reader be diſpoſed on this remark to liſten to the reply which is ſometimes made, that Europe is ſufficiently populous; I beg he would ſuſpend his deciſion, till he ſhall ſee what may be ſaid, in the courſe of this work, on protected induſtry; and until he ſhall well conſider the effects of liberty on the means of ſubſiſtence. That reply is certainly one of the axioms of tyranny, and is of kin to the famous wiſh of Caligula, that the whole Roman people had but one neck.

The French have gone as far in the deſtruction of the hierarchy as could have been expected, conſidering the habits of the people and the preſent circumſtances of Europe. The church in that country was like royalty —the prejudices in its favor were too ſtrong

to be vanquiſhed all at once. The moſt that could be done, was to tear the bandage from the eyes of mankind, break the charm of inequality, demoliſh ranks and infalibilities, and teach the people that mitres and crowns did not confer ſupernatural powers. As long as public teachers are choſen by the people, are ſalaried and removeable by the people, are born and married among the people, have families to be educated and protected from oppreſſion and from vice,—as long as they have all the common ſympathies of ſociety to bind them to the public intereſt, there is very little danger of their becoming tyrants by force; and the liberty of the preſs will prevent their being ſo by craft.

In the United States of America there is no church; and this is one of the principal circumſtances which diſtinguiſh that government from all others that ever exiſted; it enſures the un-embarraſſed exerciſe of religion, the continuation of public inſtruction in the ſcience of liberty and happineſs, and promiſes a long duration to a repreſentative government.

CHAP. III.

THE MILITARY SYSTEM.

Il importoit au maintien de l'autorité du roi, d'entretenir la guerre.
Hiſtoire de Charlemagne.

THE church, in all modern Europe, may be conſidered as a kind of ſtanding army; as the members of that community have been in every nation, the ſureſt ſupporters of arbitrary power, both for internal oppreſſion and for external violence. But this not being ſufficient of itſelf, an additional inſtrument, to be known by the name of the *military ſyſtem*, became neceſſary; and it ſeems to have been expedient to call up another element of human nature, out of which this new inſtrument might be created and maintained. The church was in poſſeſſion of the ſtrongeſt ground that could be taken in the human mind, the *principle of religion*; a principle dealing with things inviſible; and conſequently the moſt capable of being itſelf perverted, and then of perverting the whole mind, and ſubjecting it to any unreaſonable purſuit.

Next to that of religion, and ſimilar to it in moſt of its characteriſtics, is the principle of *honor*. Honor, like religion, is an original, indelible ſentiment of the mind, an indiſpenſable ingredient in our nature. But its object is incapable of preciſe definition; and conſequently, though given us in aid of the more definable feelings of morality, it is capable of total perverſion, of loſing ſight of its own original nature, and ſtill retaining its name; of purſuing the deſtruction of moral ſentiments, inſtead of being their ornament; of debaſing, inſtead of ſupporting, the dignity of man.

This camelion principle was therefore a proper element of impoſition, and was deſtined to make an immenſe figure in the world, as the foundation and ſupport of the military ſyſtem of all unequal governments. We muſt look pretty far into human nature, before we ſhall diſcover the cauſe, why killing men in battle ſhould be deemed, *in itſelf*, an honorable employment. A hangman is univerſally deſpiſed; he exerciſes an office which not only the feelings but the policy of all nations have agreed to regard as infamous. What is it that ſhould make the difference of theſe two occupations in favor of the former? Surely it is not becauſe the victims in the former caſe are *innocent*, and in the latter *guilty*. To aſſert this, would be a greater libel upon human ſociety than I can bring

myſelf to utter; it would make the tyranny of opinion the moſt *deteſtable*, as well as the moſt ſovereign of all poſſible tyrannies. But what can it be? It is not, what is ſometimes alledged, that *courage* is the foundation of the buſineſs; that fighting is honorable becauſe is is dangerous; there is often as much courage diſplayed in highway-robbery, as in the warmeſt conflict of armies; and yet it does no honor to the party; a Robin Hood is as diſhonorable a character as a Jack Ketch. It is not becauſe there is any idea of *juſtice* or *honeſty* in the caſe; for to ſay the beſt that can be ſaid of war, it is impoſſible that more than one ſide can be juſt or honeſt; and yet both ſides of every conteſt are equally the road to fame; where a diſtinguiſhed killer of men is ſure to gain immortal honor. It is not *patriotiſm*, even in that ſenſe of the word which deviates the moſt from general philanthropy; for a total ſtranger to both parties in a war, may enter into it on either ſide as a volunteer, perform more than a vulgar ſhare of the ſlaughter, and be for ever applauded, even by his enemies. Finally, it is not from any pecuniary advantages that are ordinarily attached to the profeſſion of arms; for ſoldiers are generally poor, though part of their buſineſs be to plunder.

Indeed, I can ſee but one reaſon in nature, why the principle of honor ſhould be ſelected from all human incentives, and relied

on for the ſupport of the military ſyſtem: it is becauſe it was *convenient for the governing power*; that power being in the hands of a ſmall part of the community whoſe buſineſs was to ſupport it by impoſition. No principle of a permanent nature, whoſe object is unequivocal, and whoſe ſlighteſt deviations are perceptible, would have anſwered the purpoſe. Juſtice, for inſtance, is a principle of common uſe, of which every man can diſcern the application. Should the prince ſay it was *juſt*, to commence an unprovoked war with his weak neighbors and plunder their country, the falſhood would be too glaring; all men would judge for themſelves, and give him the lie; and no man would follow his ſtandard, unleſs bribed by his avarice. But honor is of another nature; it is what we all can feel, but no one can define; it is therefore whatever the prince may chooſe to name it; and ſo powerful is its operation, that all the uſeful ſentiments of life loſe their effect; morality is not only baniſhed from political cabinets, but generally and profeſſionally from the boſoms of men who purſue honor in the profeſſion of arms.

It is common for a king, who wiſhes to make a thing faſhionable, to practiſe it himſelf; and in this he is ſure of general imitation and ſucceſs. As this divice is extremely natural, and as the exiſtence of wars is abſolutely neceſſary to the exiſtence of kings;

to give a fashion to the trade must have been a considerable motive to the ancient kings, for exposing themselves so much as they usually did in battle. They said, *let human slaughter be honorable*, and honorable it was.

Hence it is, that warriors have been termed heroes; and the eulogy of heroes has been the constant business of historians and poets, from the days of Nimrod down to the present century. Homer, for his astonishing variety, animation, and sublimity, has not a warmer admirer than myself; he has been for three thousand years, like a reigning sovereign, applauded as a matter of course, whether from love or fear; for no man with safety to his own character can refuse to join the chorus of his praise. I never can express (and his other admirers have not done it for me) the pleasure I receive from his poems; but in a view of philanthropy, I consider his existence as having been a serious misfortune to the human race. He has given to military life a charm which few men can resist, a splendor which envelopes the scenes of carnage in a cloud of glory, which dazzles the eyes of every beholder, steals from us our natural sensibilities in exchange for the artificial, debases men to brutes under the pretext of exalting them to gods, and obliterates with the same irresistable stroke the moral duties of life and the true policy of nations.

Alexander * is not the only human monſter that has been formed after the model of Achilles; nor Perſia and Egypt the only countries depopulated for no other reaſon than the deſire of rivalling predeceſſors in military fame.

Another device of princes, to render honorable the profeſſion of arms, was to make it enviable, by depriving the loweſt orders of ſociety of the power of becoming ſoldiers. Excluding the helots of all nations from any part in the glory of butchering their fellow-creatures, has had the ſame effect as in Sparta—it has ennobled the trade; and this is the true feudal eſtimation, in which this trade has deſcended to us from our Gothic anceſtors.

At the ſame time that the feudal ſyſtem was furniſhing Europe with a numerous body of nobleſſe, it became neceſſary, for various purpoſes of deſpotiſm, that they ſhould be prevented from mingling with the common maſs of ſociety, that they ſhould be held together by what they call *l'eſprit de corps*, or the corporation ſpirit, and be furniſhed with occupations which ſhould leave them nothing

* It is not unworthy of remark, that Ariſtotle was the tutor of Alexander, and the moſt ſplendid editor and commentator of Homer. As we muſt judge an author by his works, it is but fair to take into view the whole of his works. Conſidered therefore as a political ſchool-maſter to the world, the forming of his pupil and the illuſtrating of his poet are the greateſt fruits of the induſtry of that philoſopher, and have had much more influence on the affairs of nations, than his treaitiſe that bears the name of *politics*.

in common with their fellow men. Theſe occupations were offered by the church and the army; and as the former was permanent, it was thought expedient to give permanency to the latter. Thus the military ſyſtem has created the nobleſſe, and the nobleſſe the military ſyſtem. They are mutually neceſſary to each other's exiſtence—concurrent and reciprocal cauſes and effects, generating and generated, perpetuating each other by interchangeable wants, and both indiſpenſable to the governing power.

Thoſe perſons therefore who undertake to defend the nobleſſe as a neceſſary order in the great community of men, ought to be appriſed of the extent of their undertaking. They muſt, in the firſt place, defend *ſtanding armies*, and that too upon principles, not of national prudence, as relative to the circumſtances of neighbors, but of internal neceſſity, as relative only to the organization of ſociety. They muſt at the ſame time extend their arguments to the increaſe of thoſe armies; for they infallibly muſt increaſe to a degree beyond our ordinary calculation, or they will not anſwer the purpoſe; both becauſe the number of the nobleſſe, or "the men of the ſword" (as they are properly ſtyled by their friend Burke) is conſtantly augmenting, and becauſe the influence of the church is on the decline. As the light of philoſophy illuminates the world, it ſhines in upon the ſecrets

of government; and it is neceſſary to make the blind as broad as the window, or the paſſengers will ſee what is doing in the cabinet. The means of impoſition muſt be increaſed in the army, in proportion a they are loſt in the church.

Secondly, they muſt vindicate *war*, not merely as an occurrence of fatality, and juſtifiable on the defenſive; but as a thing of choice, as being the moſt nutritious aliment of that kind of government which requires privileged orders and an army: for it is no great figure of ſpeech, to ſay that the nobility of Europe are always fed upon human gore. They originated in war, they live by war, and without war it would be impoſſible to keep them from ſtarving. Or, to drop the figure entirely, if mankind were left to the peaceable purſuit of induſtry, the titled orders would loſe their diſtinctions, mingle with ſociety, and become reaſonable creatures.

Thirdly, they muſt defend the *honor* of the occupation which is allotted to the nobleſſe. For the age is becoming extremely ſceptical on this ſubject; there are heretics in the world (Mr. Burke calls them atheiſts) who affect to diſbelieve that men were made expreſly for the purpoſe of cutting each other's throats; and who ſay that it is not the higheſt honor that a man can arrive at, to ſell himſelf to another man for life at a certain daily price, and to hold himſelf in readineſs, night and

day, to kill individuals or nations, at home or abroad, without ever enquiring the cauſe. Theſe men ſay, that it is no compliment to the judgment or humanity of a man, to lead ſuch a life; and they do not ſee why a nobleman ſhould not poſſeſs theſe qualities as well as other people.

Fourthly, they muſt prove that all occupations which tend to *life*, and not to *death*, are diſhonorable and infamous. Agriculture, commerce, every method of augmenting the means of ſubſiſtence, and raiſing men from the ſavage ſtate, muſt be held ignoble; or elſe men of honor will forget themſelves ſo far as to engage in them; and then farewell to diſtinctions. The national aſſembly may then create orders as faſt as it has ever uncreated them; it is impoſſible for Nobility to exiſt, in France, or in any other country, unleſs the above articles are firmly defended by arguments, and fixed in the minds of mankind.

It ſeems difficult for a man of reflection to write one page on the ſubject of government, without meeting with ſome old eſtabliſhed maxims, which are not only falſe, but which are preciſely the reverſe of truth. Of this ſort is the opinion, That inevitable wars in modern times have given occaſion to the preſent military ſyſtem, and that ſtanding armies are the beſt means of preventing wars. This is what the people of Europe are commanded to believe. With all due deference, however, to their command-

ers, I would propoſe a contrary belief, which I will venture to lay down as the true ſtate of the fact: *That the preſent military ſyſtem has been the cauſe of the wars of modern times, and that ſtanding armies are the beſt, if not the only means of* PROMOTING *wars.* This poſition has at leaſt one advantage over thoſe that are commonly eſtabliſhed by governments, that it is believed by him who propoſes it to the aſſent of others. Men who cannot command the power of the ſtate, ought to enforce their doctrines by the power of Reaſon, and to riſk on the ſea of opinion nothing more than what ſhe will take under her convoy.

To apply this maxim to the caſe now before us; let us aſk, *What is war?* and on what propenſity in human nature does it reſt? for it is to MAN that we are to trace theſe queſtions, and not to *princes*; we muſt drive them up to *principle*, and not ſtop ſhort at *precedent*; and endeavor to uſe our ſenſe, inſtead of parading our learning. Among individual men, or ſavages acting in a deſultory manner, antecedent to the formation of great ſocieties, there may be many cauſes of quarrels and aſſaſſinations; ſuch as love, jealouſy, rapine, or the revenge of private injuries. But theſe do not amount to the idea of war. War ſuppoſes a vaſt aſſociation of men engaged in one cauſe, actuated by one ſpirit, and carrying on a bloody conteſt

with another aſſociation in a ſimilar predicament. Few of the motives which actuate private men can apply at once to ſuch a multitude, the greateſt part of which muſt be perſonal ſtrangers to each other. Indeed, where the motives are clearly explained and well underſtood by the community at large, ſo as to be really felt by the people, there is but one of the ordinary cauſes above mentioned which can actuate ſuch a body; it is *rapine*, or the hope of enriching themſelves by plunder. There can be then but two circumſtances under which a nation will commence an offenſive war: either the people at large muſt be thoroughly convinced that they ſhall be perſonally rewarded not only with conqueſt, but with a vaſt ſhare of wealth from the conquered nation, or elſe they muſt be duped into the war by thoſe who hold the reigns of government. All motives for national offences are reduced to theſe two, and there can be no more. The ſubject, like moſt others, becomes extremely ſimple, the moment it is conſidered.

And how many of the wars of mankind originate in the firſt of theſe motives? Among civilized nations, none. A people conſiderably numerous, approaching towards ideas of ſober policy, and beginning to taſte the fruits of induſtry, require but little experience to convince themſelves of the following truths—that no benefit can be derived to the

great body of individuals from conqueſt. though it were certain—that this event is always doubtful, and the deciſion to be dreaded —that nine tenths of the loſſes in all wars are a *clear* loſs to both parties, being ſunk in expences—that the remaining tenth neceſſarily comes into the hands of the principal managers, and produces a real misfortune even to the victorious party, by giving them maſters at home, inſtead of riches from abroad.

The pitiful idea of feaſting ourſelves on a compariſon of ſuffering, and balancing our own loſſes by thoſe of the enemy, is a ſtratagem of government, a calculation of cabinet arithmetic. Individuals reaſon not in this manner. A diſtreſſed mother in England, reduced from a full to a ſcanty diet, and bewailing the loſs of her ſon, receives no conſolation from being told of a woman in France, whoſe ſon fell in the ſame battle, and that the taxes are equally increaſed in both countries by the ſame war. But kings, and miniſters, and generals, and hiſtorians proclaim, as a glorious conteſt, every war which appears to have been as fatal to the enemy as to their own party, though one half of each nation are ſlaughtered in the field, and the other half reduced to ſlavery. This is one of the bare-faced impoſitions with which mankind are perpetually inſulted, and which call upon us, in the name of humanity, to purſue this enquiry into the cauſes of war.

The hiſtory of ancient Rome, from beginning to end, under all its kings, conſuls and emperors, furniſhes not a ſingle inſtance, after the conqueſt of the Sabians, of what may properly be called a *popular* offenſive war; I mean a war that would have been undertaken by the people, had they enjoyed a free government, ſo organized as to have enabled them to deliberate before they acted, and to ſuffer nothing to be carried into execution but the national will.

The ſame may be ſaid of modern Europe, after a correſponding period in the progreſs of nations; which period ſhould be placed at the very commencement of civilization. Perhaps after the ſettlement of the Saracens in Spain, the Lombards in Italy, the Franks in Gaul, and the Saxons in England, we ſhould have heard no more of offenſive operations, had they depended on the uninfluenced wiſhes of the people. For we are not to regard as *offenſive* the ſtruggles of a nation for the recovery of liberty.

What an inconceivable maſs of ſlaughter are we then to place to the other account; to dark unequal government! to the magical powers poſſeſſed by a few men of blinding the eyes of the community, and leading the people to deſtruction by thoſe who are called their fathers and their friends! Theſe operations could not be carried on, for a long time together, in ages tolerably enlightened,

without a permanent resource. As long as the military conditions of feudal tenures remained in full vigor, they were sure to furnish the means of destruction to follow the will of the sovereign; but as the asperities of this system softened away by degrees, it seems that governments were threatened with the necessity of applying to the people at large for voluntary enlistments, and contributions in money; on which application the purpose must be declared. This would be too direct an appeal to the consciences of men on a question of offensive war, and was, if possible, to be avoided. For even the power of the church, where there was no question of heresy, could not be always relied on, to stimulate to a quarrel with their neighbors of the same faith; and still less was it sure of inducing them to part with their money. The expedient therefore of standing armies became necessary; and perhaps rather on account of the money than the men. Thus money is required to levy armies, and armies to levy money; and foreign wars are introduced as the pretended occasion for both.

One general character will apply to much the greater part of the wars of modern times, ——they are *political* and not *vindictive*. This alone is sufficient to account for their real origin, they are wars of agreement*,

* Whenever the real secret history of the English and Spanish armaments of 1790 shall be published to the world, though it

rather than of diſſention; and the conqueſt is taxes, and not territory. To carry on this buſineſs, it is neceſſary not only to keep up the military ſpirit of the nobleſſe by titles and penſions, and to keep in pay a vaſt number of troops, who know no other God but their king; who loſe all ideas of themſelves, in contemplating their officers; and who forget the duties of a man, to practiſe thoſe of a ſoldier—this is but half the operation: an eſſential part of the military ſyſtem is to diſarm the people, to hold all the functions of war, as well the arm that executes, as the will that declares it, equally above their reach. This part of the ſyſtem has a double effect, it palſies the hand and brutalizes the mind; an habitual diſuſe of phyſical forces totally deſtroys the moral; and men loſe at once the power of protecting themſelves, and of diſcerning the cauſe of their oppreſſion.

It is almoſt uſeleſs to mention the concluſions which every rational mind muſt draw from theſe conſiderations. But though they are too obvious to be miſtaken, they are ſtill too important to be paſſed over in ſilence; for we ſeem to be arrived at that epoch in

may not furniſh new arguments to men of reflection for diſtruſting political cabinets, it may at leaſt increaſe the number of ſuch men. But this cannot be done with ſafety during the lives of ſome of the principal actors in that aſtoniſhing piece of audacity. I am convinced that the perſon who at this moment ſhould do it, would not ſurvive the publication ſo long as pope Ganganelli did the ſuppreſſion of the Jeſuits.

human affairs, when "all uſeful ideas, and truths the moſt neceſſary to the happineſs of mankind, are no longer excluſively deſtined to adorn the pages of a book *." Nations, wearied out with impoſture, begin to provide for the ſafety of man, inſtead of purſuing his deſtruction.

I will mention as one concluſion, which bids fair to be a practical one, that the way to prevent wars is not merely to change the military ſyſtem; for that, like the church, is a neceſſary part of the governments as they now ſtand, and of ſociety as now organized: but the *principle of government* muſt be completely changed; and the conſequence of this will be ſuch a total renovation of ſociety, as to baniſh ſtanding armies, overturn the military ſyſtem, and exclude the poſſibility of war.

Only admit the original, unalterable truth, *that all men are equal in their rights*, and the foundation of every thing is laid; to build the ſuperſtructure requires no effort but that of natural deduction. The firſt neceſſary deduction will be, that the people will form an equal repreſentative government; in which it will be impoſſible for *orders* or *privileges* to exiſt for a moment; and conſequently the firſt materials for ſtanding armies will be converted into peaceable members of the ſtate. Another deduction follows, That the people

* *L'Aſſemblee nationale.*

will be univerſally armed: they will aſſume thoſe weapons for ſecurity, which the art of war has invented for deſtruction. You will then have removed the *neceſſity* of a ſtanding army by the organization of the legiſlature, and the *poſſiblity* of it by the arrangement of the militia; for it is as impoſſible for an armed ſoldiery to exiſt in an armed nation, as for a nobility to exiſt under an equal government.

It is curious to remark how ill we reaſon on human nature, from being accuſtomed to view it under the diſguiſe which the unequal governments of the world have always impoſed upon it. During the American war, and eſpecially towards its cloſe, General Waſhington might be ſaid to poſſeſs the hearts of all the Americans. His recommendation was law, and he was able to command the whole power of that people for any purpoſe of defence. The philoſophers of Europe conſidered this as a dangerous criſis to the cauſe of freedom. They *knew*, from the example of Cæſar and Sylla and Marius and Alcibiades and Pericles and Cromwell, that Waſhington would never lay down his arms till he had given his country a maſter. But after he did lay them down, then came the miracle—his virtue was cried up to be more than human; and it is by this miracle of virtue in him, that the Americans are ſuppoſed to enjoy their liberty at this day.

I believe the virtue of that great man to be equal to the higheſt human virtue that has ever yet been known; but to an American eye no extraordinary portion of it could appear in that tranſaction. It would have been impoſſible for the general or the army to have continued in the field after the enemy left it; for the ſoldiers were all *citizens*; and if it had been otherwiſe, their numbers were not the hundredth part of the citizens at large who were all *ſoldiers*. To ſay that he was wiſe in diſcerning the impoſſibility of ſucceſs in an attempt to imitate the great heroes above-mentioned, is to give him only the ſame merit for ſagacity which is common to every other perſon who knows that country, or who has well conſidered the effects of equal liberty.

Though infinite praiſe is due to the conſtituting aſſembly of France for the temperate reſolution and manly firmneſs which mark their operations in general; yet it muſt be confeſſed that ſome of their reforms bear the marks of too timorous a hand. Preſerving an hereditary king with a tremendous accumulation of powers, and providing an unneceſſary number of prieſts, to be paid from the national purſe, and furniſhed with the means of rebuilding the half-deſtroyed ruins of the hierarchy, are circumſtances to be pardoned for reaſons which I have already hinted. But the enormous military force,

which they have decreed ſhall remain as a permanent eſtabliſhment, appears to me not only unneceſſary, and even dangerous to liberty, but totally and directly ſubverſive of the end they had in view. Their objects were the ſecurity of the frontiers and the tranquility of the ſtate; the reverſe of this will be the effect—not perhaps that this army will be turned againſt the people, or involve the ſtate in offenſive wars. On the contrary, ſuppoſe that it ſimply and faithfully defends the frontiers and protects the people; this defence and this protection are the evils of which I complain. They tend to weaken the nation, by deadening the ſpirit of the people, and teaching them to look up to others for protection, inſtead of depending on their own invincible arm. A people that legiſlate for themſelves ought to be in the habit of protecting themſelves; or they will loſe the ſpirit of both. A knowledge of their own *ſtrength* preſerves a temperance in their own *wiſdom*, and the performance of their *duties* gives a value to their *rights*.

This is likewiſe the way to increaſe the ſolid domeſtic force of a nation, to a degree far beyond any ideas we form of a ſtanding army; and at the ſame time to annihilate its capacity as well as inclination for foreign aggreſſive hoſtilities. The true guarantee of perpetual tranquility at home and abroad, in ſuch a caſe, would ariſe from this truth,

which would paſs into an incontrovertible maxim, that offenſive operations would be impoſſible, and defenſive ones infallible.

This is undoubtedly the true and only ſecret of exterminating wars from the face of the earth: and it muſt afford no ſmall degree of conſolation to every friend of humanity, to find this unſpeakable bleſſing reſulting from that equal mode of government, which alone ſecures every other enjoyment for which mankind unite their intereſts in ſociety. Politicians, and even ſometimes honeſt men, are accuſtomed to ſpeak of war as an uncontrolable event, falling on the human race like a concuſſion of the elements—a ſcourge which admits no remedy; but for which we muſt wait with trembling preparation, as for an epidemical diſeaſe, whoſe force we may hope to lighten, but can never avoid. They ſay that mankind are wicked and rapacious, and "it muſt be that offences will come." This reaſoning applies to individuals, and to countries when governed by individuals; but not to nations deliberately ſpeaking a national voice. I hope I ſhall not be underſtood to mean, that the nature of man is totally changed by living in a free republic. I allow that it is ſtill *intereſted* men and *paſſionate* men, that direct the affairs of the world. But in national aſſemblies, paſſion is loſt in deliberation, and intereſt balances intereſt; till the good of the

whole community combines the general will. Here then is a great moral entity, acting ſtill from intereſted motives; but whoſe intereſt it never can be, in any poſſible combination of circumſtances, to commence an offenſive war.

There is another conſideration, from which we may argue the total extinction of wars, as a neceſſary conſequence of eſtabliſhing governments on the repreſentative wiſdom of the people. We are all ſenſible that ſuperſtition is a blemiſh of human nature, by no means confined to ſubjects connected with religion. Political ſuperſtition is almoſt as ſtrong as religious; and it is quite as univerſally uſed as an inſtrument of tyranny. To enumerate the variety of ways in which this inſtrument operates on the mind, would be more difficult, than to form a general idea of the reſult of its operations. In monarchies, it induces men to ſpill their blood for a particular family, or for a particular branch of that family, who happens to have been born firſt, or laſt, or to have been taught to repeat a certain creed, in preference to other creeds. But the effect which I am going chiefly to notice, is that which reſpects the territorial boundaries of a government. For a man in Portugal or Spain to prefer belonging to one of thoſe nations rather than the other, is as much a ſuperſtition, as to prefer the houſe of Braganza to

that of Bourbon, or Mary the ſecond of England, to her brother. All theſe ſubjects of preference ſtand upon the ſame footing as the turban and the hat, the croſs and the creſcent, or the lilly and the roſe.

The boundaries of nations have been fixed for the accommodation of the *government*, without the leaſt regard to the convenience of the people. Kings and miniſters, who make a profitable trade of governing, are intereſted in extending the limits of their dominion as far as poſſible. They have a property in the people, and in the territory that they cover. The country and its inhabitants are to them a farm ſtocked with ſheep. When they call up theſe ſheep to be ſheared, they teach them to know their names, to follow their maſter, and avoid a ſtranger. By this unaccountable impoſition it is, that men are led from one extravagant folly to another—to adore their king, to boaſt of their nation, and to wiſh for conqueſt—circumſtances equally ridiculous in themſelves, and equally incompatible with that rational eſtimation of things which ariſes from the ſcience of liberty.

In America it is not ſo. Among the ſeveral ſtates, the governments are all equal in their force, and the people are all equal in their rights. Were it poſſible for one ſtate to conquer another ſtate, without any expence of money, or of time, or of blood—neither of the ſtates, nor a ſingle individual in either of them, would be richer or poorer for the

event. The people would all be upon their own lands, and engaged in their own occupations, as before; and whether the territory on which they live were called New-York or Maſſachuſetts, is a matter of total indifference, about which they have no ſuperſtition. For the people belong not to the government, but the government belongs to the people.

Since the independence of thoſe ſtates, many territorial diſputes have been ſettled, which had riſen from the interference of their ancient charters. The interference of charters is a kind of policy which, I ſuppoſe, every mother country obſerves towards her colonies, in order to give them a ſubject of contention; that ſhe may have the opportunity of keeping all parties quiet by the parental bleſſing of a ſtanding army. But on the baniſhment of foreign controul, and all ideas of European policy, the enjoyment of equal liberty has taught the Americans the ſecret of ſettling theſe diſputes, with as much calmneſs as they have formed their conſtitutions. It is found, that queſtions about the boundaries between free ſtates are not matters of intereſt, but merely of form and convenience. And though theſe queſtions may involve a tract of country equal to an European kingdom, it alters not the caſe; they are ſettled as merchants ſettle the courſe of exchange between two commercial

cities. Several inſtances have occurred, ſince the revolution, of deciding in a few days, by amicable arbitration, territorial diſputes, which determine the juriſdiction of larger and richer tracts of country, than have formed the objects of all the wars of the two laſt centuries between France and Germany.

It is needleſs to ſpend any time in applying this idea to the circumſtances of all countries, where the government ſhould be freely and habitually in the hands of the people. It would apply to all Europe; and will apply to it, as ſoon as a revolution ſhall take place in the principle of government. For ſuch a revolution cannot ſtop ſhort of fixing the power of the ſtate on the baſis allotted by nature, the unalienable rights of man; which are the ſame in all countries. It will eradicate the ſuperſtitions about territorial juriſdiction; and this conſideration muſt promiſe an additional ſecurity againſt the poſſiblity of war.

CHAP. IV.

The Adminiſtration of Juſtice.

IT would be a curious ſpeculation, and perhaps as uſeful as curious, to conſider how far the moral nature of man is effected by the organization of ſociety; and to what degree his predominant qualities depend on the nature of the government under which he lives. The adage, *That men are every where the ſame*, though not wholly falſe, would doubtleſs be found to be true only in a limited ſenſe. I love to indulge the belief, that it is true ſo far as to enſure permanency to inſtitutions that are good; but not ſo far as to diſcourage us from attempting to reform thoſe that are bad. To conſider it as true in an unlimited ſenſe, would be to ſerve the purpoſes of deſpotiſm; for which this, like a thouſand other maxims, has been invented and employed. It would teach us to ſit down with a gloomy ſatisfaction on the ſtate of human affairs, to pronounce the race of man emphatically "fated to be curſt," a community of ſelf-tormentors and mutual aſſaſſins, bound down by the irreſiſtible deſtiny of their nature to be robbed of their reaſon by prieſts, and plundered of their property

by kings. It would teach us to join with Soame Jenyns, and furnish new weapons to the oppressors, by our manner of pitying the misfortunes of the oppressed.

In confirmation of this adage, and as an apology for the existing despotisms, it is said, That all men are by nature tyrants, and will exercise their tyrannies, whenever they find opportunity. Allowing this assertion to be true, it is surely cited by the wrong party. It is an apology for equal, and not for unequal governments; and the weapon belongs to those who contend for the republican principle. If government be founded on the vices of mankind, its business is to restrain those vices in all, rather than to foster them in a few. The disposition to tyrannize is effectually restrained under the exercise of the equality of rights; while it is not only rewarded in the few, but invigorated in the many, under all other forms of the social connexion. But it is almost impossible to decide, among moral propensities, which of them belong to nature, and which are the offspring of habit; how many of our vices are chargeable on the permanent qualities of man, and how many result from the mutable energies of state.

If it be in the power of a bad government to render men worse than nature has made them, why should we say it is not in the power of a good one to render them better? and

if the latter be capable of producing this effect in any perceivable degree, where ſhall we limit the progreſs of human wiſdom and the force of its inſtitutions, in ameliorating not only the ſocial condition, but the controlling principles of man ?

Among the component parts of government, that, whoſe operation is direct on the moral habits of life, is the Adminiſtration of Juſtice. In this every perſon has a peculiar inſolated intereſt, which is almoſt detached from the common ſympathies of ſociety. It is this which operates with a ſingular concentrated energy, collecting the whole force of the ſtate from the community at large, and bringing it to act upon a ſingle individual, affecting his life, reputation or property; ſo that the governing power may ſay with peculiar propriety to the miniſter of juſtice, *divide et impera*; for, in caſe of oppreſſion, the victim's cries will be too feeble to excite oppoſition; his cauſe having nothing in common with that of the citizens at large. If therefore we would obtain an idea of the condition of men on any given portion of the earth, we muſt pay a particular attention to their judiciary ſyſtem, not in its form and theory, but in its ſpirit and practiſe. It may be ſaid in general of this part of the civil polity of a nation, that as it is a ſtream flowing from the common fountain of the government, and muſt be tinged with whatever impurities

are found in the ſource from whence it deſcends, the only hope of cleanſing the ſtream is by puriſing the fountain.

If I were able to give an energetic ſketch of the office and dignity of a rational ſyſtem of juriſprudence, deſcribe the full extent of its effects on the happineſs of men, and then exhibit the perverſions and corruptions attendant on this buſineſs in moſt of the governments of Europe, it would furniſh one of the moſt powerful arguments in favor of a general revolution, and afford no ſmall conſolation to thoſe perſons who look forward with certainty to ſuch an event. But my plan embraces too many ſubjects, to be particular in any; all that I can promiſe myſelf is to ſeize the rough features of ſyſtems, and mark the moral attitudes of man as placed in the neceſſary poſture to ſupport them.

It is generally underſtood that the object of government, in this part of its adminiſtration, is merely to *reſtrain* the vices of men. But there is another object prior to this; an office more ſacred, and equally indiſpenſable, is to *prevent* their vices—to correct them in their origin, or eradicate them totally from the adoleſcent mind. The latter is performed by inſtruction, the former by coercion; the one is the tender duty of a father, the other, the unrelenting drudgery of a maſter; but both are the buſineſs of government, and ought to

be made concurrent branches of the ſyſtem of juriſprudence.

The abſurd and abominable doctrine, *that private vices are public benefits*, it is hoped, will be blotted from the memory of man, expunged from the catalogue of human follies, with the ſyſtems of governments which gave it birth. The ground of this inſulting doctrine is, that advantage may be taken of the extravagant foibles of individuals to increaſe the revenues of the ſtate; as if the chief end of ſociety were, to ſteal money for the government's purſe! to be ſquandered by the governors, to render them more inſolent in their oppreſſions! It is humiliating, to anſwer ſuch arguments as theſe; where we muſt lay open the moſt degrading retreats of proſtituted logic, to diſcover the poſitions on which they are founded. But *Orders* and *Privileges* will lead to any thing: once teach a man, that *ſome are born to command and others to be commanded*; and after that, there is no camel too big for him to ſwallow.

This idea of the objects to be kept in view by the ſyſtem of juſtice, involving in it the buſineſs of prevention as well as of reſtriction, leads us to ſome obſervations on the particular ſubject of criminal juriſprudence. Every ſociety, conſidered in itſelf as a moral and phyſical entity, has the undoubted faculty of ſelf-preſervation. It is an independent being; and, towards other beings in like cir-

cumſtances of independence, it has a right to uſe this faculty of defending itſelf, without previous notice to the party; or without the obſervance of any duty, but that of abſtaining from offenſive operations. But when it acts towards the members of its own family, towards thoſe dependent and defenceleſs beings that make part of itſelf, the *right* of coercion is preceded by the *duty* of inſtruction. It may be ſafely pronounced, *that a ſtate has no right to puniſh a man, to whom it has given no previous inſtruction;* and conſequently, any perſon has a right to do any action, unleſs he has been informed that it has an evil tendency. It is true, that as relative to particular caſes, the having given this information is a thing that the ſociety muſt ſometimes *preſume*, and is not always obliged to *prove!* But theſe caſes are rare, and ought never to form a general rule. This preſumption has however paſſed into a general rule, and is adopted as univerſal practiſe. With what juſtice or propriety it is ſo adopted, a very little reflection will enable us to decide.

The great out-lines of morality are extremely ſimple and eaſy to be underſtood; they may be ſaid to be written on the heart of a man antecedent to his aſſociating with his fellow-creatures. As a ſelf-dependent being he is ſelf-inſtructed; and as long as he ſhould remain a ſimple child of *nature*, he would receive from nature all the leſſons neceſſary

to his condition. He would be a complete moral agent; and ſhould he violate the rights of another independent man like himſelf, he would ſin againſt ſufficient light, to merit any puniſhment that the offended party might inflict upon him. But *ſociety* opens upon us a new field of contemplation; it furniſhes man with an other claſs of rights, and impoſes upon him an additional ſyſtem of duties; it enlarges the ſphere of his moral agency, and makes him a kind of artificial being, propelling and propelled by new dependencies, in which nature can no longer ſerve him as a guide. Being removed from her rudimental ſchool, and entered in the college of ſociety, he is called to encounter problems which the elementary tables of his heart will not always enable him to ſolve. Society then ought to be conſiſtent with herſelf in her own inſtitutions; if ſhe ſketches the lines of his duty with a variable pencil, too ſlight for his natural perception, ſhe ſhould lend him her optical glaſſes to diſcern them; if ſhe takes the ferule in one hand, ſhe is bound to uſe the feſcue with the other.

We muſt obſerve farther—that though ſociety itſelf be a ſtate of nature, as relative to the nation at large—though it be a ſtate to which mankind naturally recur to ſatisfy their wants and increaſe the ſum of their happineſs—though all its laws and regulations may be perfectly reaſonable, and calculated to pro-

mote the good of the whole—yet, with regard to an individual member, his having *consented* to these laws, or even chosen to live in the society, is but a *fiction*; and a rigid discipline founded on a fiction, is surely hard upon its object. In general it may be said, that a man comes into society by birth; he neither consents nor dissents respecting his relative condition; he first opens his eyes on that state of human affairs in which the interests of his moral associates are infinitely complicated; with these his duties are so blended and intermingled, that nature can give him but little assistance in finding them out. His morality itself must be arbitrary; it must be varied at every moment, to comprehend some local and positive regulation; his science is to begin where that of preceding ages has ended; his alpha is their omega; and he is called upon to act by instinct what they have but learnt to do from the experience of all mankind. Natural reason may teach me not to strike my neighbor without a cause; but it will never forbid my sending a sack of wool from England, or printing the French constitution in Spain. These are positive prohibitions, which nature has not written in her book; she has therefore never taught them to her children. The same may be said of all regulations that arise from the social compact.

It is a truth, I believe, not to be called in queſtion, that every man is born with an impreſcriptible claim to a portion of the elements; which portion is termed his *birth-right.* Society may vary this right, as to its form, but never can deſtroy it in ſubſtance. She has no coutroul over the man, till he is born; and the right being born with him, and being neceſſary to his exiſtence, ſhe can no more annihilate the one than the other, though ſhe has the power of new-modeling both. But on coming into the world, he finds that the ground which nature had promiſed him is taken up, and in the occupancy of others; ſociety has changed the form of his birth-right; the general ſtock of elements, from which the lives of men are to be ſupported, has undergone a new modification; and his portion among the reſt. He is told that he cannot claim it in its preſent form, as an independant inheritance: that he muſt draw on the ſtock of ſociety, inſtead of the ſtock of nature; that he is baniſhed from the mother, and muſt cleave to the nurſe. In this unexpected occurrence he is unprepared to act; but *knowledge* is a part of the ſtock of ſociety, and an indiſpenſable part to be allotted in the portion of the claimant, is *inſtruction* relative to the new arrangement of natural right. To withold this inſtruction therefore would be, not merely the omiſſion of a duty, but the commiſſion of a crime; and

ſociety in this caſe would ſin againſt the man, before the man could ſin againſt ſociety.

I ſhould hope to meet the aſſent of all unprejudiced readers, in carrying this idea ſtill farther. In caſes where a perſon is born of poor parents, or finds himſelf brought into the community of men without the means of ſubſiſtence, ſociety is bound in duty to furniſh him the means. She ought not only to inſtruct him in the artificial laws by which property is ſecured, but in the artificial induſtry by which it is obtained. She is bound, in *juſtice* as well as policy, to give him ſome art or trade. For the reaſon of his incapacity is that *ſhe* has uſurped his birth-right; and this is reſtoring it to him in another form, more convenient for both parties. The failure of ſociety in this branch of her duty, is the occaſion of much the greater part of the evils, that call for criminal juriſprudence. The individual feels that he is robbed of his natural right; he cannot bring his proceſs to reclaim it from the great community, by which he is overpowered; he therfore feels authorized in repriſal; in taking another's goods to replace his own. And it muſt be confeſſed, that in numberleſs inſtances the conduct of ſociety juſtifies him in this proceeding; ſhe has ſeized upon his property, and commenced the war againſt him.

Some, who perceive theſe truths, ſay that it is unſafe for ſociety to publiſh them; but I

ſay it is unſafe not to publiſh them. For the party from which the miſchief is expected to ariſe, has the knowledge of them already, and has acted upon them in all ages. It is the wiſe who are ignorant of theſe things, and not the fooliſh. They are truths of nature; and in them the teachers of mankind are the only party that remains to be taught. It is a ſubject on which the logic of indigence is much clearer than that of opulence. The latter reaſons from contrivance, the former from feeling; and God has not endowed us with falſe feelings, in things that ſo weightily concern our happineſs.

None can deny that the obligation is much ſtronger on me, to ſupport my life, than to ſupport the claim that my neighbour has to his property. Nature commands the firſt, ſociety the ſecond:—in one I obey the laws of God, which are univerſal and eternal; in the other, the laws of man, which are local and temporary.

It has been the folly of all old governments, to begin every thing at the wrong end, and to erect their inſtitutions on an inverſion of principle. This is more ſadly the caſe in their ſyſtems of juriſprudence, than is commonly imagined. *Compelling* juſtice is always miſtaken for *rendering* juſtice. But this important branch of adminiſtration conſiſts not merely in compelling men to be juſt to each other, and individuals to ſociety—this is not

the whole, nor is the principal part, nor even the beginning, of the operation. The ſource of power is ſaid to be the ſource of juſtice; but it does not anſwer this deſcription, as long as it contents itſelf with *compulſion*. Juſtice muſt begin by flowing from its ſource; and the firſt as well as the moſt important object is, to open its channels from ſociety to all the individual members. This part of the adminiſtration being well deviſed and diligently executed, the other parts would leſſen away by degrees to matters of inferior conſideration.

It is an undoubted truth, that our duty is inſeparably connected with our happineſs. And why ſhould we deſpair of convincing every member of ſociety of a truth ſo important for him to know? Should any perſon object, by ſaying, that nothing like this has ever yet been done. I anſwer that nothing like this has ever yet been tried. Society has hitherto been curſt with governments, whoſe exiſtence depended on the extinction of proof. Every moral light has been ſmothered under the buſhel of perpetual impoſition; from whence it emits but faint and glimmering rays, always inſufficient to form any luminous ſyſtem on any of the civil concerns of men. But theſe covers are crumbling to the duſt, with the governments which they ſupport; and the probability becomes more apparent, the more it is conſidered, that ſociety is capable of curing all the evils to which it has given birth.

It ſeems that men, to diminiſh the phyſical evils that ſurround them, connect themſelves in ſociety; and from this connexion their moral evils ariſe. But the *immediate* occaſion of the moral evils is nothing more than the *remainder* of the phyſical that ſtill exiſt even under the regulations that ſociety makes to baniſh them. The direct object therefore of the government ought to be, to deſtroy as far as poſſible the remaining quantity of phyſical evils; and the moral would ſo far follow their deſtruction. But the miſtake that is always made on this ſubject is, that governments, inſtead of laying the ax at the root of the tree, aim their ſtrokes at the branches; they attack the moral evils *directly* by vindictive juſtice, inſtead of removing the phyſical by diſtributive juſtice.

There are two diſtinct kinds of phyſical evils; one ariſes from want, or the apprehenſion of want; the other from bodily diſeaſe. The former ſeems capable of being removed by ſociety; the latter is inevitable. But the latter gives no occaſion to moral diſorders; it being the common lot of all, we all bear our part in ſilence, without complaining of each other, or revenging ourſelves on the community. As it is out of the power of our neighbour's goods to relieve us, we do not covet them for this purpoſe. The former is the only kind from which moral evils ariſe; and to this the energies of government ought to be

chiefly directed; especially that part which is called the administration of justice.

No nation is yet so numerous, nor any country so populous, as it is capable of becoming. Europe, taken together, would support at least five times its present number, even on its present system of cultivation; and how many times this increased population may be multiplied by new discoveries in the infinite science of subsistence, no man will pretend to calculate. This of itself is sufficient to prove, that society at present has the means of rendering all its members happy in every respect, except the removal of bodily disease. The common stock of the community appears abundantly sufficient for this purpose. By common stock, I would not be understood to mean the goods exclusively appropriated to individuals. Exclusive property is not only consistent with good order among men, but it seems, and perhaps really is, necessary to the existence of society. But the common stock of which I speak, consists, first, in *knowledge*, or the improvements which men have made in the means of acquiring a support; and secondly, in the *contributions* which it is necessary should be collected from individuals, and applied to the maintenance of tranquility in the state. The property exclusively belonging to individuals, can only be the surplussage remaining in their hands, after deducting what is necessary to the real wants

of ſociety. Society is the firſt proprietor; as ſhe is the original cauſe of the appropriation of wealth, and its indiſpenſable guardian in the hands of the individual.

Society then is bound, in the firſt place, to diſtribute knowledge to every perſon according to his wants, to enable him to be uſeful and happy; ſo far as to diſpoſe him to take an active intereſt in the welfare of the ſtate. *Secondly*, where the faculties of the individual are naturally defective, ſo that he remains unable to provide for himſelf, ſhe is bound ſtill to ſupport and render him happy. It is her duty in all caſes to induce every human creature, by rational motives, to place his happineſs in the tranquility of the public, and in the ſecurity of individual peace and property. But *thirdly*, in caſes where theſe precautions ſhall fail of their effect, ſhe is driven indeed to the laſt extremity,—ſhe is to uſe the rod of correction. Theſe inſtances would doubtleſs be rare; and, if we could ſuppoſe a long continuance of wiſe adminiſtration, ſuch as a well organized government would enſure to every nation in the world, we may alſo perſuade ourſelves to believe, that the neceſſity for puniſhment would be reduced to nothing.

Proceeding however on the ſuppoſition of the exiſtence of crimes, it muſt ſtill remain an object of legiſlative wiſdom, to diſcriminate between their different claſſes, and apply to each its proper remedy, in the quantity and

mode of punishment. It is no part of my subject to enter into this enquiry, any farther than simply to observe, that it is the characteristic of arbitrary governments to be jealous of their power. And, as jealousy is, of all human passions, the most vindictive and the least rational, these governments seek the revenge of injuries in the most absurd and tremendous punishments that their fury can invent. As far as any rule can be discovered in their gradation of punishments, it appears to be this, That the severity of the penalty is in proportion to the injustice of the law. The reason of this is simple,—the laws which counteract nature the most, are the most likely to be violated.

The publication, within the last half century of a great number of excellent treatises on the subject of penal laws, without producing the least effect, in any part of Europe, is a proof that no reform is to be expected in the general system of criminal jurisprudence, but from a radical change in the principle of government*.

A method of communicating instruction to every member of society, is not difficult to

* The compassionate little treatise of Beccaria *dei delitti e delle pene*, is getting to be a manual in all languages. It has already served as an introduction to many luminous essays on the policy and right of punishment, in which the spirit of enquiry is pursued much farther than the benevolent philosopher, surrounded as he is by the united sabres of feudal and ecclesiastical tyranny, has dared to pursue it.

diſcover, and would not be expenſive in practice. The government generally eſtabliſhes miniſters of juſtice in every part of the dominion. The firſt object of theſe miniſters ought to be, to ſee that every perſon is well inſtructed in his duties and in his rights; that he is rendered perfectly acquainted with every law, in its true ſpirit and tendency, in order that he may know the reaſon of his obedience, and the manner of obtaining redreſs, in caſe he ſhould deem it unjuſt; that he is taught to feel the cares and intereſts of an active citizen, to conſider himſelf as a real member of the ſtate, know that the government is his own, that the ſociety is his friend, and that the officers of the ſtate are the ſervants of the people. A perſon poſſeſſing theſe ideas will never violate the law, unleſs it be from neceſſity; and ſuch neceſſity is to be prevented by means which are equally obvious.

For the purpoſes of compulſive juſtice, it is not enough that the laws be rendered familiar to the people; but the tribunals ought to be near at hand, eaſy of acceſs, and equally open to the poor as to the rich; the means of coming at juſtice ſhould be cheap, expeditious and certain; the mode of proceſs ſhould be ſimple and perfectly intelligible to the meaneſt capacity, unclouded with myſteries and unperplexed with forms. In ſhort; juſtice ſhould familiariſe itſelf as the well known friend of every man; and the conſequence

ſeems natural, that every man would be a friend to juſtice.

After conſidering what is the duty of ſociety, and what *would be* the practice of a well-organized government, relative to the ſubject of this chapter, it is almoſt uſeleſs to enquire, what *is* the practice of all the old governments of Europe. We may be ſure beforehand, that it is directly the contrary,—that, like all other parts of the ſyſtem, it is the inverſion of every thing that is right and reaſonable. The pyramid is every where ſet on the little end, and all ſorts of extraneous rubbiſh are conſtantly brought to prop it up.

Unequal governments are neceſſarily founded in ignorance, and they muſt be ſupported by ignorance; to deviate from their principle, would be voluntary ſuicide. The firſt great object of their policy is to perpetuate that undiſturbed ignorance of the people which is the companion of poverty, the parent of crimes, and the pillar of the ſtate.

In England the people at large are as perfectly ignorant of the acts of parliament after they are made, as they poſſibly can be before. They are printed by one man only, who is called the king's printer—in the old German character, which few men can read —and ſold at a price that few can afford to pay. But leſt ſome ſcraps of comments upon them ſhould come to the people through the medium of the public newſpapers, every ſuch paper is ſtamped with a heavy duty; and

an act of parliament is made, to prevent men from lending their papers to each other *; so that, not one person in a hundred sees a newspaper once in a year. If a man at the bottom of Yorkshire discovers by instinct that a law is made, which is interesting for him to know, he has only to make a journey to London, find out the king's printer, pay a penny a page for the law, and learn the German alphabet. He is then prepared to spell out his duty.

As to the general system of the laws of the land, on which all property depends, no man in the kingdom knows them, and no man pretends to know them. They are a fathomless abyss, that exceeds all human faculties to sound. They are studied, not to be understood, but to be disputed; not to give information, but to breed confusion. The man whose property is depending on a suit at law, dares not look into the gulph that separates him from the wished-for decision; he has no confidence in himself, nor in reason, nor in justice; he mounts on the back of a

* As this work may chance to fall into the hands of some people who never see the acts of parliament (the same precautions not being taken to prevent its circulation) it is out of compassion to that class of readers, that I give this information. It is a duty of humanity, to save our fellow-creatures from falling into snares, even those that are spread for them by the government. Therefore: Notice is hereby given to all persons, to whom these presents shall come, that the penalty for letting a newspaper, within the kingdom of Great-Britain, is fifty pounds.

lawyer, like one of Mr. Burke's heroes of chivalry between the wings of griffin, and truſt the pilotage of a man, who is ſuperior to himſelf, only in the confidence which reſults from having nothing at ſtake.

To penetrate into what are called the courts of juſtice, on the continent, and expoſe the general ſyſtem of their adminiſtration in thoſe points which are common to moſt countries in Europe, would be to lay open an inconceivable ſcene of iniquity; it would be,

"To pour in light on Pluto's drear abodes,
Abhorr'd by men, and dreadful e'en to gods."

What are we to do with our ſenſibility, with our honeſt inſtinct of propriety—how refrain from exclamations of horror, while we contemplate a ſet of men aſſuming the ſacred garb of juſtice, for the uniform and well-known purpoſe of ſelling their deciſions to the higheſt bidder! For a judge to receive a bribe, we ſhould think an indelible ſtain upon his character as a *man*; but what ſhall we ſay of the ſtate of human nature, where it is no diſgrace to him as a *judge?* Where it is not only expected as a matter of courſe, and practiſed without diſguiſe, but is made almoſt a neceſſary part of the judiciary ſyſtem?

Whether the practice of receiving bribes was the original idea on which is founded the *venality of offices* in modern governments, it is not to our purpoſe to enquire. But certain it is, they are concomitant ideas, and coextenſive practices; and it is deſigned that

they ſhould be ſo. In France, before the revolution, the office of judge was not indeed hereditary, like that of king; but it was worſe; it was held up for ſale by the king, and put at auction by the miniſter. As a part of the king's revenue aroſe from the ſale of juſtice, the government ſold all the offices in that department at fixed prices; but the miniſter made the bargains with thoſe who would give him moſt. Thus the ſeats of the judges became objects of ſpeculation, open to all the world; and the man whoſe conſcience was the beſt fitted to make a profitable trade of deciding cauſes, could afford to give the higheſt price, and was conſequently ſure to be judge.

Juſtice then was a commodity which neceſſarily gave a profit to three ſets of men, before it could be purchaſed by the ſuitor; even ſuppoſing it might have flowed to him in a direct channel. But this was a thing impoſſible: there were other deſcriptions of men, more numerous, if not more greedy, than thoſe of whom we have ſpoken, through whoſe hands it muſt paſs and repaſs, before it could arrive at the client, who had paid his money to the judge. Theſe men who infeſted the tribunals in all ſtages of the buſineſs, were divided in France into about ſix claſſes. for want of the preciſe names in Engliſh to deſignate all their official deſtinctions, we ſhall rank the whole

under the great appellation of Lawyers*. But though we here confound them together, as we often do objects at a diſtance ; yet they were not to be ſo treated by the client. He muſt addreſs them all diſtinctly and reſpectfully, with the ſame *argumentum ad patronum*, with which he had adreſſed the judge : as one or more of each claſs had a neceſſary part in bringing forward and putting backward every cauſe that came into court.

Lawyers in France ſerved two important purpoſes, which it is ſuppoſed they do not ſerve in England : they added conſiderably to the revenues of the crown by the purchaſe of their places ; and they covered the iniquity of the judges under the impenetrable veil of their own. In a cauſe of ordinary conſequence, there was more writing to be done in France than there is even in England, perhaps by a hundred and fifty pages. The reaſon of this was, that it was more neceſſary to involve the queſtion in myſteries and perplexities that ſhould be abſolutely inſcrutable. For it muſt never be known, either at the time of trial or ever after, on what point or principle the cauſe was decided. To anſwer this end, the multiplying of the different orders of the mana-

* To avoid any ſuſpicion of exaggeration, I will mention by their original names ſuch of theſe claſſes as occur to me. There were the *counſeiller*, *avocat*, *procureur*, *ſecretaire*, *du judge*, *greffier*, *huiſſier-priſeur*, *huiſſier-audiencier*, with all their clerks, who muſt likewiſe all be paid, or the cauſe would ſtop in any ſtage of its progreſs.

gers, as well as encreaſing the quantity of writing, had an admirable effect; it removed the poſſibility of fixing a charge of fraud or miſmanagement on any one of the great fraternity, or of diſcovering, among the formidable piles of papers and parchments that enveloped the myſteries of the trial, in what ſtage the iniquity was introduced.

To call this whole ſyſtem of operations a ſolemn farce, is to give no utterance to our feelings; to ſay it is a ſplendid mockery of juſtice by which individuals are robbed of their property, is almoſt to ſpeak its praiſe.—The reflecting mind cannot reſt upon it a moment, without glancing over ſociety, and bewailing the terrible inroads made upon morals public and private, the devaſtation of principle, the outrage upon nature, the degradation of the laſt particle of dignity by which we recognize our own reſemblance in man.

Its obvious tendency is, by its enormous expence, to bar the door of juſtice againſt the poor, who in ſuch countries are ſure to form the great body of mankind,—to render them enemies to ſociety, by teaching that ſociety is an enemy to them,—to ſtimulate them to crimes both from their own neceſſities, and from the example of their maſters,—and to ſpread over the people at large an incruſtation of ignorance, which excluding all ideas of

their duties and their rights, compels them to forget their relation to the human race.

Are theſe to be ranked among the circumſtances, which call for a change in the governments of Europe? Or are we to join with Mr. Burke, and lament as an evil of the French revolution, That the ancient ſyſtem "of juriſprudence will no more be ſtudied?" The whining of that good gentleman on this idea, is about as rational, as it would be to lament that the noble ſcience of Heraldry was in danger of being forgotten; or that men had loſt the myſtical meaning of *Abracadabra.* This word, ſerving as a charm, anſwered the ſame purpoſe in Medecine, as heraldry does in honor; or the old juriſprudence, in juſtice: it rendered men ſuperſtitious; and conſequently, immoral and unhappy.

It is ſo faſhionable in Europe, eſpecially among Engliſhmen, to ſpeak in praiſe of the Engliſh juriſprudence, and to conſider it as a model of perfection, that it may ſeem neceſſary for a perſon to begin with an apology for offering his ideas on that ſubject, if he means to deviate from the opinion ſo generally eſtabliſhed. But inſtead of doing this, I will begin by apologizing for thoſe who at this day ſupport the eſtabliſhed opinion: Your faireſt apology, Gentlemen, is, that you underſtand nothing of the matter. To aſſign any other, would be leſs favourable to your characters as honeſt men.

Exclusive of the rules by which the merits of a cause are to be decided (and which, if they could be ascertained, would be the *law*) the mere *form* of bringing a question before a court is of itself a science, an art, less understood, and more difficult to learn, than the construction and use of the most complicated machine, or even the motions of the heavenly bodies. It is not enough, that the administration of justice (which ought to be as simple as possible) is so involved in perplexity, that none but men of professional skill can pretend to understand it, but the professors are divided, as in France, into several distinct classes; each of which is absolutely necessary to lend a helping hand in every step of the progress of a cause. This dark multiplicity of form has not only removed the knowledge of law from the generality of men, but has created such an expence in obtaining justice, that very few ever make the attempt. The courts are effectually shut against the great body of the people, and justice as much out of their reach, as if no laws existed*.

* The provision made in the English law, enabling a person to bring his suit *in forma pauperis*, is rather an insult than a real advantage. Certainly, not one person in a hundred, who is deprived of justice in the ordinay course, would ever seek it in this; as in order to be entitled to it, he must go into court and swear that he has not property enough to prosecute his claim. A young tradesman, and in general every person who wishes to carry on business, or has spirit enough to seek for justice, has a higher interest in establishing a credit among his connexions in business, than in prosecuting any ordinary suit at law. He

Thoſe who have attemped to purchaſe juſtice through the neceſſary forms, have never been known to pronounce eulogies on the courts. But their number has always been ſo ſmall, that had they uttered the anathemas that the ſyſtem deſerves, their feeble voice could ſcarcely have been heard. No man, whoſe eyes are not blinded by fees or by prejudice, can look upon the enormous maſs of writings which accumulate in a cauſe, without reflecting with indignation on the expence; one hundredth part of which would have been more than ſufficient for every purpoſe of obtaining juſtice between the parties. A writer who ſhould give the names and deſcriptions of the various parts of a proceſs, with the expences annexed to each part, would ſcarcely gain credit, except with profeſſional men. Several hundred pounds are expended only in writing Bills, Subpœnas, Pleas, Demurrers, Anſwers, Petitions, Orders, Motions, Amendments, Notices, Reports, &c. in a ſingle cauſe where no witneſs is called.

Let us trace a few of the windings, and ſee where ſome of the paths lead, which are laid down as neceſſary to obtaining a deciſion in Chancery; we ſhall there find how hundreds, and ſometimes thouſands of pounds are ex-

knows, that to expoſe his own poverty, eſpeciall in a commercial country, would be irretrievable ruin; it would be a *poſitive* injury; while ſetting down with the loſs of his right, without bringing his ſuit, is only a negative injury.

pended in a cauſe, before any defence is ſet up, and where no defence is ever intended to be ſet up. The ſuitor begins his incomprehenſible operation, by ſtating his claim, in what is called a *Bill*, which he leaves at a certain office belonging to the court, and obtains an order, called a ſubpœna, for ſummoning the defendant. This being done, the court requires the defendant to ſend an Attorney to write his name at another office of the court. This writing the name, is called an *appearance*; it anſwers no poſſible purpoſe, but that of encreaſing expences and fees of office, for which it is a powerful engine. For if the defendant does not comply, an expence of thouſands of pounds may be made, to compel him. A *capias*, a proceſs for *outlawry*, a commiſſion of *rebellion*, and an order and commiſſion for *ſequeſtration*, are purſued in their proper rotine, till he conſents to write his name.

If the plaintiff has property to go through this proceſs, he may be ſaid to be able juſt to keep his ground; and his cauſe is in every reſpect preciſely where it was at firſt. If he has not ſufficient property, the cauſe is loſt for want of fees; and he is no better than if he had never been able to have begun the ſuit.

We will however ſuppoſe that the defendant very good-naturedly writes his name; he is then entitled to a certain delay, during which, the court informs him, he muſt plead

demur, or anſwer to the bill. When this time expires, he is entitled to a farther delay of four weeks. But though he is *entitled* to this farther delay, and neither the plaintiff nor the court can refuſe it; ſtill he muſt employ a ſollicitor to make a brief for counſel; and this ſollicitor muſt attend the counſel, and give him and his clerk their fees, for moving the court for this delay, which cannot be refuſed. The counſel muſt attend the court and make the motion; the ſollicitor muſt attend the court, and pay for the order, entry and copy; and then muſt cauſe it to be ſerved.

At the end of this term of four weeek, the defendant is *entitled* to a farther delay of three weeks; which again cannot be refuſed. But he muſt pay his ſollicitor for drawing and engroſſing a petition for that purpoſe, and the petition muſt be preſented, and anſwered; for which he muſt pay; he muſt alſo pay for order, entry, copy, and ſervice. At the end of theſe three weeks he is in the ſame manner *entitled* to a farther delay of two weeks; but the ſame farce muſt be acted over again, to obtain it. And a very ſolemn farce is it to the parties, a very pleaſant farce to the officers of the court, and a very ridiculous farce to every body elſe.

If, during all this time, the defendant had ſtopt paying, or the ſollicitor had ſtopt writing, the ſame proceſs, which was uſed to compel his appearance, muſt have been repeated: to wit, *capias*, *outlawry*, commiſſion of *rebellion*,

and *sequestration.* But we have arrived at the time when the defendant is in duty bound to answer to the bill; and here if he does not answer, then, *capias, outlaway, rebellion* and *sequestration* again.

These terms must be explained to the reader; and this is the best opportunity to do it. For the cause still remaining precisely where it was at first, we may suppose it sufficiently at rest, not to move during the explanation. A *capias* is an order, to take the man, and hold him in goal till he obeys the order of the court; whether it be to write his name, or any thing else. The word *outlawry* explains, of itself, this horrid engine of the court. A commission of *rebellion* is an order issued, after the officer with the capias has searched and cannot find the man, and after an outlawry has taken place. It is directed to other persons, requiring them to take up the man who was guilty of rebellion in refusing to write his name. But as the officer with the capias, before outlawry, could not find the man, the issuing the commission of rebellion *now*, has no other meaning but *fees.* A *sequestration* is taking the whole property of the defendant into the hands of the court. And when this is done the cause is soon done also; for no estate could last long there. When the money is gone, the proceedings cease.

But let us suppose that the defendant has complied with all orders thus far, and has

put in a good and ſufficient anſwer. Let us leave out of our account all motions, petitions, decrees, orders, &c. for amending the bill, for referring to Maſters the inſufficiency of anſwers, reports upon thoſe anſwers, and farther anſwers, and exceptions to Maſters' reports, and orders and deciſions relative to them; and, inſtead of enquiring into the expence of theſe, let us go back and aſk what is the uſe of all, or of any part of this proceſs? Thirty thouſand Lawyers (this is ſaid to be the number in the kingdom) are now living on juſt ſuch ſtuff as the proceſs here deſcribed; and I call on them all, to point out the purpoſe that any of it ever ſerved, or even can ſerve, to their clients.

It muſt be remembered, that all the proceedings thus far, were to end in three pretended objects——to compel an appearance; to obtain the *uſual* and *legal* time for the defendant to prepare his anſwer, and to compel him to give his anſwer. For the *appearance*, which is the ſolemn appellation given to the action of writing a name, it would be an inſult to the underſtanding of a child, to tell him that this could be of any ſervice towards forwarding juſtice. Next comes the ſucceſſion of applications and orders, for time to anſwer the bill. The practice of the court, which is the law in this caſe, allows the defendant, firſt a ſhort term, and then the delay of four weeks, three weeks, and two weeks;

which in all reckonings, unleſs it be in law, make nine weeks. And if that be a reaſonable time, when divided into three parts, why is it not ſo before it is divided? And if neither the party, nor the court nor any body elſe, has a right to refuſe that term of time, why might not the defendant take it, without the expence of aſking three times? The remainder of the proceſs goes to compel the defendant to give in an anſwer to the bill. And what is the importance of an anſwer? To ſolve this queſtion, let us conſider the object of the bill, to which the anſwer is required.

The bill expreſſes the claim of the plaintiff, and points out the nature of the decree, which he prays may be made in his favor againſt the defendant. Notice is given to the defendant, that ſuch a ſuit is pending, and that he may appear and ſhow cauſe why the decree ſhould not be made. Having given this notice, it is not only cruel, but abſurd, to think of forcing him to defend himſelf, whether he will or no. One would ſuppoſe it little to the purpoſe, to make the attempt. Why may not the ſubpœna, which gives notice to the defendant, point out the day, beyond which he cannot give an anſwer? then if he chooſes to defend, hear him candidly; but if he refuſes to come, and does not chooſe to defend,—proceed in the cauſe; he is willing that the decree ſhould paſs. Can it be reaſonable,—can it be any thing ſhort of flat contradiction and nonſenſe,

to compel him to appear, to compel him to aſk for a delay, and to compel him to defend? Can his defence be neceſſary in doing juſtice to the plaintiff? And if he will not defend himſelf can you make him? Can any one of the whole hoſt of all the profeſſions of the law, ſhow the leaſt ſhadow of uſe in all this flouriſh of proceſs thus far but *fees* on the one hand, and *oppreſſion* on the other?

To proceed through all the forms, to the end of a ſuit in Chancery, would be to write a commentary on many volumes of practice, and would be calling the patience of the reader to a trial from which it would certainly ſhrink. But there are parts as much worſe than what we have deſcribed, as this is worſe than common ſenſe. Strip from the adminiſtration of juſtice the forms that are perfectly uſeleſs and oppreſſive, and counſellors will have much leſs to do; while the whole order of attornies and ſollicitors will fall to the ground. If the myſteries of nonſenſe were out of the way, a counſellor who was called upon to hazard his reputation on the manner of conducting his client's cauſe, would no more have it prepared and brought forward by an attorney, than a man of buſineſs would hazard his fortune by doing that buſineſs through an ignorant agent which he could more eaſily do himſelf. The quantity, of writing, really neceſſary, in a ſimple and dignified ſyſtem of practice, is ſo ſmall, as

to be perhaps incredible to thoſe who are acquainted only with the Engliſh proceſs.

I have ſeen the mode of conducting this buſineſs in a country, where the common law of England is the general rule of deciſion, and where the adjudications of Weſtminſter-hall are authorities, as much as they are in Great Britain. But the laws of that country have ſtripped legal proceſs of its principal follies; and the conſequence is, that the whole profeſſion of attornies and ſollicitors has vaniſhed. The counſellor does the whole buſineſs of his client; and ſo ſimple is the operation, that a man may with eaſe commence, and carry through every ſtage, to final judgment and execution, five hundred cauſes in a year.

And the whole proceedings in all theſe ſhall not afford writing enough to employ a ſingle clerk one hour in twenty-four. The proceedings and judgements in five hundred cauſes, in this country, would fill a warehouſe. And yet in that country, every allegation is neceſſary in their declaration and pleadings, which is neceſſary in Weſtminſter-hall. As they are not paid by the line, their declarations have but one Count, and in that Count there is no tautology. And ſo little is the expence of ſuits, where no more is done than is neceſſary for juſtice; that judgement, in a cauſe where there is no defence, may be obtained

for leſs than ten ſhillings; and every perſon employed be fully paid for his ſervice*.

Men who are habituated to the expences incurred in law-ſuits in England, will ſcarcely be perſuaded of the extent to which a reform would be carried, on a general deſtruction of abuſes. But let them reflect, that when law proceedings are ſtripped of every thing, but what the nature of the ſubject requires, there is no myſtery left. The rational part that remains is ſoon comprehended, and eaſily retained in memory. This would doubtleſs aug-

* As this may awaken the curioſity of ſome of my readers, I will give the details. Suppoſe a ſuit to recover money due on Note or Bond; The writ and declaration are incorporated in one inſtrument; that is, the declaration is contained in the writ. The ſheriff is ordered to read this to the defendant, or leave a copy at his dwelling, at leaſt twelve days previous to the ſitting of the court. This writ is uſually filled up in a well known form, in a printed blank; of which a man may with eaſe fill a hundred in a day. For this the court taxes one ſhilling and ſix-pence. the ſheriff if he has no travel to the defendant, is paid ſix-pence for reading the writ to him, and delivering it to the clerk of the court. It is then the duty of the plaintiff, or of his lawyer, (who is both counſellor and ſolicitor) to attend the court on the firſt day of the ſitting; and then the parties in all cauſes are called by the cryer. For this attendance the court will tax three ſhillings and four-pence halfpenny; and if the defendant intends to make no defence he will not anſwer when called; and the clerk thereupon, on the third day after calling, if no motion is made by the defendant, enters judgment for the plaintiff; for which he has about two ſhillings; one ſhilling more is paid for a writ of execution, which is in form and effect a *fieri facias*, a *capias ad ſatisfaciendum*, and an *elegit*: that is, it goes againſt the goods and chattels of the debtor; and if the ſheriff cannot find thoſe, he is to take the body, or the land. Added to theſe coſts, there is a duty of 1s. 6d. to government. Theſe ſeveral charges are an ample reward for all ſervices rendered.

ment the number of ſuits; for it would open the courts to vaſt multitudes of people, againſt whom they are now effectually ſhut. But in proportion as it increaſed the number of law-ſuits, it would diminiſh the quantity of *law-buſineſs*; and the number of lawyers would dwindle to one tenth of what it is at preſent, in the country above alluded to, the number of men ſupported by this profeſſion is to the whole population, as one to 4600. Reduce the lawyers here to that proportion, and there would be left about three thouſand in the kingdom. It is aſſerted, (I know not on what ground) that the preſent number is thirty thouſand. Allowing it to be true, an army of twenty-ſeven thouſand lawyers, on this reform would find ſome other employment. But whether the reduction would amount to the number here ſuppoſed, or to half of it, is a queſtion of little moment. Saving the expence of maintaining twenty or thirty thouſand men in a uſeleſs occupation, and ſending them to profitable buſineſs, however important the object may appear, bears no proportion to the advantage of opening the door of juſtice to the people, and habituating them to an eaſy and well-known method of demanding their right.

There is a ſtrange idea prevalent in England, (it has had its day in America) that it is good policy to raiſe the expences of legal proceedings above the reach of the lower claſ-

ſes of people; as it leſſens the number of ſuits. This kind of reaſoning appears too abſurd to ſupport its own weight for a moment; and it would be beneath our ſerious notice, were it not for the reflection, that men of ſuperficial reſearch are perpetually caught by it. the human mind is fitted, from its own indolence, to be dazzled by the glare of a propoſition; and to receive and utter for truth, what it never gives itſelf the trouble to examine. There is no paradox among all the enormities of deſpotiſm, but what finds its advocates from this very circumſtance. We muſt not therefore ſcorn to encounter an argument becauſe it is fooliſh. The buſineſs of ſober philoſophy is often a taſk of drudgery; it muſt ſometimes liſten to the moſt incoherent clamours, which would be unworthy of its attention, did they not form a part of the general din, by which mankind are deafened and miſled.

For a man to bring into court a ſuit that is manifeſtly unjuſt, is a crime againſt the ſtate; to hinder him from bringing one that is juſt, is a crime of the ſtate againſt him. It is a poor compliment to the wiſdom of a nation, to ſuppoſe that no method can be deviſed for preventing the firſt of theſe evils, without running into the laſt; and the laſt is ten times the greateſt of the two. The French, who appear to have been deſtined to give leſſons to the world by the wiſdom of their

new inſtitutions, as well as by the folly of their old, have found the ſecret of impoſing a ſmall fine on a vexatious plaintiff; and of eſtabliſhing many other regulations on this ſubject, which effectually ſhut the door of the tribunal againſt the oppreſſor, while it eaſily opens to the feebleſt cry of the oppreſſed.

They have likewiſe eſtabliſhed a method of communicating the knowledge of the laws to every human creature in the kingdom, however ignorant he may be in other reſpects. They are printed and paſted up on public buildings in every town and village, and read and explained by the curate from the pulpit in every pariſh. It is in contemplation likewiſe to inſtitute a general ſyſtem of public inſtruction, on a more uſeful and extenſive plan than has ever yet been deviſed. Several enlightened philoſophers are buſied in theſe reſearches; and ſeveral ſocieties are formed, whoſe object is to diſcover and bring forward the beſt concerted plan for this important purpoſe. In their whole ſyſtem of diſtributing *knowledge* and *juſtice*, they ſeem to be aiming at a degree of perfection which promiſes great ſucceſs. With all my partiality for the inſtitutions of the United States, I ſhould quote them (in compariſon to thoſe of France) with leſs confidence on the ſubject of this chapter, than of any other.

In the adminiſtration of juſtice, the Americans are too much attached to the Engliſh

forms; which ſerve to increaſe the expence and to myſticiſe the buſineſs, to a degree that is manifeſtly incoſiſtent with the dignity of a true republic. But in reſpect to Public Inſtruction, there are ſome circumſtances which deſerve to be mentioned to their praiſe. I am going to ſpeak only of the particular ſtate with which I am beſt acquainted. How many of the others are better regulated in this reſpect, and how many are worſe, I am not accurately informed. This ſtate (which contains leſs than 240,000 inhabitants) is divided into about one hundred towns. Theſe are ſub-divided into ſmall portions, called ſchool-diſtricts, ſuitable for the ſupport of ſmall ſchools. Each of theſe diſtricts has a drawback on the ſtate-treaſury for a ſum, which bears a proportion to the public taxes paid by the inhabitants of the diſtrict, and which is about half equal to the ſupport of a ſchool-maſter. But this ſum can be drawn only on condition, that a ſchool is maintained in the diſtrict.

The following remarkable conſequences ſeem to have reſulted from this proviſion: There is not perhaps in that ſtate, a perſon of ſix years old and of common intellects, who cannot read; and very few who cannot write and caſt accounts!—Beſides the uſeful books that are found in every family, it is computed that there are in the ſtate about three hundred public libraries, which have been formed by

voluntary ſubſcription among the people of the diſtricts and the pariſhes; till about the year 1768, which was more than one hundred and thirty years after the ſettlement of the ſtate, no capital puniſhment, as I am informed, had been inflicted within its juriſdiction, nor any perſon convicted of a capital offence; ſince that period, very few have been convicted, and thoſe few are generally Europeans by birth and education; there is no extreme poverty in the ſtate, and no extraordinary wealth accumulated by individuals.

It would be abſurd to ſuppoſe, that Public Inſtruction is by any means carried to the perfection that it ought to be, in this or any other ſtate in the univerſe. But this experiment proves, that good morals and equal liberty are reciprocal cauſes and effects; and that they are both the parents of national happineſs, and of great proſperity.

All governments that lay any claim to reſpectability or juſtice have proſcribed the idea of *ex-poſt-facto laws*, or laws made after the performance of an action, conſtituting that action a crime, and puniſhing the party for a thing that was innocent at the time of its being done. Such laws would be ſo flagrant a violation of natural right, that in the French and ſeveral of the American State Conſtitutions, they are ſolemnly interdicted in their Declarations of Rights. This proſcription is

likewiſe conſidered as a fundamental article of Engliſh liberty, and almoſt the only one that has not been habitually violated, within the preſent century. But let us reſort to reaſon and juſtice, and aſk what is the difference between a violation of this article, and the obſervance of that tremendous maxim of juriſprudence, common to all the nations above-mentioned, *ignorantia legis neminem excuſat?*

Moſt of the laws of ſociety are poſitive regulations, not taught by nature. Indeed, ſuch only are applicable to the ſubject now in queſtion. For *ignorantia legis* can have reference only to laws ariſing out of ſociety, in which our natural feelings have no concern; and where a man is ignorant of ſuch a law, he is in the ſame ſituation as if the law did not exiſt. To read it to him from the tribunal, where he ſtands arraigned for the breach of it, is to him preciſely the ſame thing as it would be to originate it at the ſame time by the ſame tribunal, for the expreſs purpoſe of his condemnation. The law till then, as relative to him, is not in being. He is therefore in the ſame predicament that the ſociety in general would be, under the operation of an *ex-poſt-facto* law. Hence we ought to conclude that, as it ſeems difficult for a government to diſpenſe with the maxim above-mentioned, a free people ought, in their declaration of rights, to provide for univerſal public inſtruction. If they neglect to

do this, and mean to avoid the abſurdity of a ſelf-deſtroying policy, by adhering to a ſyſtem of juſtice which would preſerve a dignity and inſpire a confidence worthy the name of liberty, they ought to reject the maxim altogether; and inſert in their declaration of rights, that inſtruction alone can conſtitute a duty; and that laws can enforce no obedience, but where they are explained.

It is truly hard and ſufficiently to be regreted, that any part of ſociety ſhould be obliged to yield obedience to the laws to which they have not literally and perſonally conſented. Such is the ſtate of things; it is neceſſary that a majority ſhould govern. If it be an evil to obey a law to which we have not conſented, it is at leaſt a neceſſary evil; but to compel a compliance with orders which are unknown, is carrying injuſtice beyond the bounds of neceſſity; it is abſurd, and even impoſſible. Laws in this caſe may be avenged, but cannot be obeyed; they may inſpire terror, but can never command reſpect.

F I N I S.

ADVERTISEMENT.

SPEEDILY will be publiſhed the ſecond part of this work; in which will be treated the four laſt ſubjects mentioned in the plan, as explained in the Introduction: viz. *Revenue and Public Expenditure, Means of Subſiſtence, Literature, Sciences and Arts, War and Peace.*

ADVICE

TO THE

PRIVILEGED ORDERS

IN THE

SEVERAL STATES OF EUROPE,

RESULTING FROM THE

NECESSITY AND PROPRIETY

OF

A GENERAL REVOLUTION IN THE PRINCIPLE OF GOVERNMENT.

PART II.

By *JOEL BARLOW*,

AUTHOR OF THE VISION OF COLUMBUS, A LETTER TO THE NATIONAL CONVENTION, AND THE CONSPIRACY OF KINGS.

PARIS:

PRINTED AT THE ENGLISH PRESS, RUE DE VAUGIRARD, N.° 1214; AND SOLD BY BARROIS, SENIOR, QUAI DES AUGUSTINS. 1793.

SOON after the publication of the *First Part* of this work, in February 1792, my attention was called to other objects, and it became impossible for me to finish the *Second Part* so soon as I intended. I left England in November last; and, not having then completed the three last chapters proposed in the Introduction, I left this chapter on *Revenue and Expenditure* in the hands of the bookseller, desiring him to publish it by itself. But the violent attacks on the Liberty of the Press in that country, which took place about that time, induced him to suppress the publication of this, and to discontinue the sale of the other. He has lately sent me the Manuscript; which I now offer, without any alteration, to the English Press in Paris.

JOEL BARLOW.

Paris 27 Sept. 1793.

CHAP. V.

Revenue and Expenditure.

A Nation is ſurely in a wretched condition, when the principal object of its government is the increaſe of its public revenue. Such a ſtate of things is in reality a perpetual warfare between the few individuals who govern, and the great body of the people who labour. Or, to call things by their proper names, and uſe the only language which the moral nature of the caſe will juſtify, the real occupation of the governors is either to plunder or to ſteal, as will beſt anſwer their purpoſe; while the buſineſs of the people is to ſecrete their property by fraud, or to give it peaceably up, in proportion as

the other party demands it; and then, as a conſequence of being driven to this neceſſity, they ſlacken their induſtry, and become miſerable through idleneſs; in order to avoid the mortification of labouring for thoſe they hate.

The art of conſtructing governments has uſually been to organize the State in ſuch a manner, as that this operation could be carried on to the beſt advantage for the adminiſtrators; and the art of adminiſtring thoſe governments has been, ſo to vary the means of ſeizing upon private property, as to bring the greateſt poſſible quantity into the public coffers, without exciting inſurrections. Thoſe governments which are called deſpotic, deal more in open plunder; thoſe that call themſelves free, and act under the cloak of what they teach the people to reverence as a conſtitution, are driven to the arts of ſtealing. Theſe have ſucceeded better by theft than the others have by plunder;

and

and this is the principal difference by which they can be diſtinguiſhed. Under theſe *conſtitutional* governments the people are more induſtrious, and create property faſter; becauſe they are not ſenſible in what manner and in what quantities it is taken from them. The adminiſtration, in this caſe, operates by a compound movement; one is to induce the people to work, and the other to take from them their earnings.

In this view of government, it is no wonder that it ſhould be conſidered as a curious and complicated machine, too myſterious for vulgar contemplation, capable of being moved by none but experienced hands, and ſubject to fall in pieces by the ſlighteſt attempt at innovation or improvement. It is no wonder that a church and an army ſhould be deemed neceſſary for its ſupport; and that the double guilt of impiety and rebellion ſhould follow the man who offers

to enter its dark ſanctuary with the profane light of reaſon. It is not ſurpriſing that kings and prieſts ſhould be ſuppoſed to have derived their authority from God, ſince it is evidently not given them by men; that they ſhould trace to a ſupernatural ſource claims which nature never has recognized, and which are at war with every principle of ſociety.

I conſtantly bear in mind, that there is a reſpectable claſs of men in every country in Europe, who, whether immediately intereſted in the adminiſtration of the governments or not, are conſcientiouſly attached to the old eſtabliſhed forms. I know not how much pain it may give them to ſee expoſed to public view the various combinations of iniquity which appear to me to compoſe the ſyſtem. But I ſhould pay a real compliment to their ſenſibility, in ſuppoſing that their anguiſh can be as great on viewing the picture, as mine has been

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in attempting to draw it; or, that they can ſhudder as much at the proſpect of a change, as I have done in contemplating ſociety under the diſtortions of its preſent organization. I ſee the noble nature of man ſo cruelly debaſed,—I ſee the horſe and the dog in ſo many inſtances raiſed to a rank far ſuperior to beings whom I muſt acknowledge as my fellow-creatures, and whom my heart cannot but embrace with a fraternal affection which muſt increaſe with the inſults I ſee them ſuffer,—I ſee the pride of power and of rank mounted to ſo ungovernable a height in thoſe whom accident has called to direct the affairs of nations,—I ſee the faculty of reaſon ſo completely dormant in both theſe claſſes, and morality, the indiſpenſable bond of union among men, ſo effectually baniſhed by the unnatural combinations, which in Europe are called Society, — that I have been almoſt determined to relinquiſh the diſagreeable taſk which I had preſcribed to myſelf

in

in the firſt part of this work, and, returning to my country, endeavour in the new world to forget the miſeries of the old.

But I reflect that the contemplation of theſe miſeries has already left an impreſſion on my mind too deep to be eaſily effaced.—I am likewiſe convinced that all the moral evils under which we labour, may be traced without difficulty to their proper ſource,—that the ſpirit of inveſtigation, which the French revolution has awakened in many parts of Europe, is ſtimulating the people to purſue the enquiry, and will conſequently lead them to apply the remedy. Under this proſpect, every perſon who but thinks he can throw the leaſt light upon the ſubject, is called upon for his aſſiſtance; and this duty to his fellow-creatures becomes more imperious, as it is increaſed by the probability of ſucceſs.

In

In confidering the ſubject of *Revenue and Expenditure*, as in other articles that I have treated, I ſhall confine myſelf chiefly to the great outlines of the ſyſtem; only noticing its effect on the moral habits of men; habits which muſt be conſidered as the vital principles of ſociety, and which ought always to be kept in view as the firſt object of government, both in its original conſtitution and in every part of its adminiſtration. I was indeed ſenſible that this ſubject would require more details; and that it might be uſeful to form an eſtimate of the quantity of contributions neceſſary for any given portion of mankind united in a national intereſt; as we might thus be convinced how ſmall a revenue would be ſufficient for all the purpoſes of a rational government. But I find myſelf happily relieved from this part of my taſk, by the appearance of the ſecond part of the *Rights of Man*, in which this branch of the ſubject is treated in that perſpicuous manner

which

which might be expected from its author; a man whom I consider as a luminary of the age, and one of the greatest benefactors of mankind. Neither my work, nor any other that shall be written for ages to come, will surely find a reader, who will not have read the *Rights of Man.*

Men are gregarious in their nature; they form together in society, not merely from necessity, to avoid the evils of solitude, but from inclination and mutual attachment. They find a positive pleasure in yielding assistance to each other, in communicating their thoughts and improving their faculties. This disposition in man is the source of morals; they have their foundation in nature, and receive their nourishment from society. The different portions of this society, that call themselves nations, have generally established the principle of securing to the individuals who compose a nation, the exclusive

excluſive enjoyment of the fruits of their own labour; reſerving however to the governing power the right to reclaim from time to time ſo much of the property and labour of individuals as ſhall be deemed neceſſary for the public ſervice. This is the general baſis on which *property*, public and private, has hitherto been founded. Nations have proceeded no farther. Perhaps in a more improved ſtate of ſociety, the time will come, when a different ſyſtem may be introduced; when it ſhall be found more congenial to the ſocial nature of man to exclude the idea of ſeparate property, and with that the numerous evils which ſeem to be entailed upon it. But it is not my intention in this work to enter upon that enquiry.

When the feudal ſyſtem, with all its ferocities, was in full operation, the ſuperior lord, who repreſented the power of the ſtate, granted the lands to his immediate

mediate vaſſals, on condition of military ſervice. They engaged to ſerve in the wars of the lord paramount a certain number of days in the year, at their own expence. Thus they ſtipulated as to the *quantity* of ſervice; but gave up the right of private judgment, as to the *object of the war*. This is the origin of the revenue ſyſtem of modern Europe; and it began by debaſing the minds of the whole community; as it hurried them into actions, of which they were not to enquire into the juſtice or propriety. Then came the *ſocage tenures*; which were lands granted to another claſs of vaſſals, on condition of ploughing the lords fields and performing his huſbandry. This was a more rational kind of ſervice; though, by a ſhocking pervertion of terms, it was called leſs honourable.

In proportion as war became leſs productive, and its profits more precarious, than thoſe of huſbandry, the tenures upon

upon knight-ſervice were converted into ſocage-tenures; and finally it was found convenient in moſt caſes, eſpecially in England, to make a commutation of the whole into money, in certain fixed ſums; and this, by its ſubſequent modifications and extenſions, has obtained the name of a land-tax. Theſe feudal revenues of the crown, though they were ſuppoſed to be ſufficient for the ordinary purpoſes of government, were capable of being increaſed on any extraordinary occaſion; and ſuch extraordinary occaſions were ſure to happen, as often as the government choſe to draw more money from the people. It began this operation under the name of *aids to the king*, ſubſidia regis; and, in England (before it was found neceſſary to work the engine by regular parliaments) various expedients were uſed to raiſe from different claſſes or the community theſe extraordinary aids. In many caſes the authority of the pope was brought in to the aſſiſtance of the

king,

king, to enable him to levy money for the court. The pope, as head of the church, received a revenue from the people of England through the Engliſh clergy; and the king, on certain occaſions, agreed with him that he ſhould double his demand; on condition that the additional ſum to be raiſed, ſhould be divided between themſelves.*

A perpetual pretext for theſe additional impoſitions was always to be found in foreign wars. Edward the Firſt muſt ſubdue the Welch; a long ſucceſſion of kings made the glory of the Britiſh nation to conſiſt in the reduction of Ireland; others, in conquering the tomb of Chriſt; and others, the crown of France. But in common occurrencies, where the call for money could not be predicated on any national object ſufficiently glaring to excite the enthuſiaſm or rouſe the fears of the

* Cunningham's Hiſtory of Taxes, page 6.

the people, it was the policy of the king to detach ſome particular claſſes of the community from the common intereſt, and to extort money from them, as from a common enemy. Thus all ſtrangers were heavily taxed on coming into the realm; thus Jews, with all the wealth they poſſeſſed, were declared to be the abſolute property of the king;* thus, after the religion of the government was changed, the papiſts and non-jurors were taxed double to the profeſſors of the national religion; and thus the king could take a ſavage advantage of the misfortunes of individuals, and ſeize their property, under the title of *wrecks*, *waifs*, *treaſure-trove*, *ſtrays*, *amercements* and *forfeitures*.

Theſe,

* In one of the laws of Edward the Confeſſor (which was repeatedly enforced long after the conqueſt, and perhaps is not repealed to this day) the clauſe reſpecting the Jews is in theſe words: *Judæi et omnia ſua ſunt regis; quod in quiſpiam detinuerit eos, vel pecuniam eorum, perquirat rex, ſi vult, tanquam ſuum proprium.*

Theſe, and a vaſt variety of other inventions, have been practiſed by the Engliſh government, to legalize partial robberies, and take poſſeſſion of the people's money, without the trouble of aſking for it. But all theſe means were inſufficient to ſupply the unlimited expences of a government founded on Orders, Privileges, Rank and Ignorance. The moſt effectual way to carry on the great bnſineſs of revenue was found to be through the intervention of a parliament ; and for this purpoſe the farce of repreſentation has been acted over in this country, to much better effect than any ſpecies of fraud or violence has been in any other.

It would be an inſult to the underſtanding of any reader at this day, to deſcribe to him a thing ſo well known, as the manner in which this game is played between the different branches of the government. The ſecret is out; and the friends of the ſyſtem, who uſed to be

be occupied in concealing its operation, are now engaged in defending it. The drift of their defence is to change the mode of the deception; and perſuade the people by *argument*, to ſuffer to paſs before their eyes in open day-light, ſcenes which have hitherto been acted only in the dark. The curtain has fallen from their hands; and they now declare that the play can go on without it. This for England, forms a new era in cabinet politics. While the ſyſtem remains the ſame, the ſcheme for carrying it on is totally new-modelled; and, like other novelties in the courſe of human improvement, it becomes a proper ſubject of our inveſtigation.

I have known a juggler, who, after having for a long time excited wonder and drawn money from the multitude, by tricks which were ſuppoſed to be the effect of magic, would come forward with an engaging frankneſs, and declare

that

that there was really nothing ſupernatural in the art; that it was only the effect of a little experience and attention to phyſical cauſes, not beyond the capacity of any one in the company; that, though he had deceived them thus far, he was now ready to undeceive them; and, for another fee, he would go through the ſame courſe again, with the explanations. This ingenuous confeſſion redoubled their curioſity; the ſpectators continued their attention, and renewed their contributions.

The government of Great Britain, under King, Lords and Boroughs, is now defended, both in and out of parliament, by arguments unknown to former politicians. As nearly as any words, except the right ones, can expreſs the full force of theſe arguments, they are ſtated by their authors in the following language: "No people ever has been or ever can be capable of knowing what is for their

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own good, of making their own laws, or of pretending to underſtand them after they are made: as the people of England, during the time of the commonwealth, imbibed a different opinion, it has been thought beſt, eſpecially ſince the laſt revolution, to cheriſh them in their error, in order to come more eaſily at their money. We therefore told them that they were free; that they, as Engliſhmen, ought to be free, becauſe their anceſtors were ſo; that Engliſh liberty was the envy and admiration of the world; that the French were their natural enemies, becauſe they were ſlaves; and it was neceſſary to make a war once in ſeven years, to keep up this idea; that we were ſorry for the increaſing burthen of their taxes; but that was a circumſtance not to be regarded by a free people, as they had the privilege of taxing themſelves, and their taxes were the price of their freedom in church and ſtate; that, we intended to leſſen their

burthens as ſoon as the enemies to our religion and to our happy conſtitution were deſtroyed. But now, gentlemen, we ſee you have diſcovered, and we are willing to acknowledge, that this was all a deception : as to liberty it is but a name ; man gives it up on entering into ſociety, in order to enjoy the benefits of being governed ; it never was nor ever will be, realized by any nation under heaven ; witneſs the horrors of pretended liberty in France, the daily aſſaſſinations and perpetual robberies which you ſee in Mr. Burke's book from beginning to end; witneſs the late infatuation of the Americans ; who, already recovering their ſenſes, and ſick of their boaſted independence,* are now wiſhing to return to the protection of their mother-country, where they could purchaſe their laws ready

* This is a ſerious argument, uſed by ſeveral writers as well as parliamentary and coffee-houſe orators, to prove that liberty cannot exiſt in any country. See *Dr. Tatham* and others.

ready made by us, who underſtand the buſineſs; as to the church, we are convinced it is no matter on what ſort of religion it is founded, provided it be well connected with the ſtate. We ſhall ſay nothing in future of the *burthen of taxes*, as it has been falſly called, the phraſe itſelf has no longer any meaning; it is now clearly known that public taxes are, in themſelves, a public benefit; every well-wiſher to his country muſt wiſh them to increaſe; and for that purpoſe he will do all in his power to multiply the occaſions for creating them; for it is acknowledged by all good ſubjects, that a national debt is national proſperity, and that we grow rich in proportion to the money we pay out. We are as frank to confeſs, as any caveller is to aſſert, that the Houſe of Commons is not a repreſentation of the people; it has no connection with them, and it is no longer to our purpoſe to ſuppoſe that it has; for the people have nothing to do

with the government, except to be governed; but the Houſe of Commons is retained in the ſtate, for the ſame reaſon that the other branches of the legiſlature, and that courts and armies are retained, for the ſake of increaſing the wealth and happineſs of the people in the augmentation of the revenue."

Let any perſon look over the whole chaos of writings and ſpeeches that have been publiſhed within the laſt year againſt innovations in the government, and I believe he will ſcarcely find an argument more or leſs than what are here comprized. Now this is clearly a different ground from what has heretofore been taken in this country for the ſupport of the old ſyſtem. It uſed to be thought neceſſary to flatter and deceive; but here every thing is open and candid. Mr. Burke, in a frenzy of paſſion, has drawn away the veil; and ariſtocracy, like a decayed proſtitute, whom painting and patching

patching will no longer embellish, throws off her covering, to get a livelihood by displaying her uglineſs.

It is hard to pronounce with certainty on the ſucceſs of a project ſo new; but it appears to me extremely improbable that the naked deformities of deſpotiſm can long be pleaſing to a nation ſo enlightened as the one to which theſe arguments are addreſſed. I cannot but think they are ill addreſſed, and that their authors have miſſed their policy in ſuffering the people to open their eyes to their true ſituation. It is certain that the Cardinal de Richelieu has given them different advice. He, like moſt other great men, is leſs known by his writings than his actions; but he left a poſthumous work, called a *Political Teſtament*, which has been remarkably neglected by thoſe for whoſe good it was intended; and by none more than by the preſent friends of ariſtocracy in England. That profound

found politician obſerves, " That ſubjects " with knowledge, ſenſe or reaſon, are " as monſtrous as a beaſt with an hun- " dred eyes, and that ſuch a beaſt would " never bear its burthen peaceably. The " people muſt be hood-winked, or rather " blinded, if you would have them tame " and patient drudges. In ſhort, you " muſt treat them every way like pack- " horſes or mules, not excepting the " bells about their necks; which by " their perpetual jingling, may be of " uſe to drown their cares."

It muſt be obſerved, however, that in the buſineſs of taxation, which is nearly all the buſineſs of a public nature that is done by the government in England; a policy not very different from that of Richelieu has been practiſed with great ſucceſs. The aggregate quantity of the revenue raiſed upon the people has indeed been ſomewhat known; but the portion paid by each individual,

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and the time, manner and reaſon of his paying it, are circumſtances enveloped in total darkneſs. To keep the ſubject ignorant of theſe things is the great ſecret in the modern ſcience of finance. The money he pays to government being incorporated with every thing on which he lives, all that he can know of the matter is, that whether he eats, drinks or ſleeps, walks or rides, ſees the light or breathes the air,—whatever he does, drains from him a tax; and this tax is to ſupport the luxury of thoſe who tell him they are born to govern. But on which of theſe functions the tax falls the heavieſt, — whether the greateſt proportion lies upon his bread or his beer, his ſhoes or his hat, his labours or his pleaſures, his virtues or his vices, it is impoſſible for any man to know. As therefore he cannot diſpenſe with the whole of his animal functions, without ceaſing to exiſt, and as this expedient is not often ſo eligible as ſubmitting to the impoſition,

ſition, there is no danger but the tax will be collected.

It is difficult to deſcribe, perhaps impoſſible to conceive, the quantity of evils wrought in ſociety from this mode of collecting revenue by deception; or laying the duty in ſuch a manner, that the people ſhall not be ſenſible when or how it is paid. This is extremely unlike that manly principle of mutual confidence on which men unite in ſociety. It is the reverſe of that conduct, which, ariſing from the open integrity of our own hearts, is the guarantee of integrity in others. It is a policy that muſt have originated from two contending intereſts in the nation, from a jealouſy of their own power in the legiſlative body, from a knowledge that ſomething was wrong in themſelves or in the ſyſtem, and from a conſciouſneſs that one or the other, or both, were unworthy of the confidence of the people by whom they were ſupported.

I am aware that in the doctrine which I ſhall labour to eſtabliſh on this ſubject, I ſhall have to encounter the whole weight of opinion of modern times. Men of all parties, and of all deſcriptions, both the friends, and the enemies of equal liberty, ſeem to be agreed in one point relative to public contributions: *That the tax ſhould be ſo far diſguiſed, as to render the payment imperceptible at the time of paying it.* This is almoſt the only point in which the old and new ſyſtems agree, in thoſe countries where a change of principle has taken place; it is one of thoſe rare poſitions, on which theoriſts themſelves have formed but one opinion. It is therefore not without much reflection, and as great a degree of caution as a ſerious advocate for truth ought ever to obſerve, that I ſhall proceed to examine a poſition, which, reſting on the accumulated experience of mankind, has not yet been ſhaken by enquiry.

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I will begin by acknowledging the force of two obſervations, which go to the ſupport of the preſent ſyſtem, as it applies to moſt of the exiſting governments and to the preſent ſtate of ſociety in Europe: 1. As long as public revenues muſt remain as great as they now are, and as diſproportioned to the abilities of the people, it is abſolutely neceſſary to diſguiſe the taxes on which they depend; otherwiſe they cannot be collected. 2. As long as theſe revenues are applied to the purpoſes to which they now are, it is impoſſible to collect them but by fraud or violence; and violence has been found by repeated trials, eſpecially in England, not to anſwer the purpoſe ſo well as fraud. While ſociety remains divided into two parties, which are conſtitutionally oppoſed to each other, it is impoſſible but that they muſt regard each other as enemies, and their conduct muſt be the dictate of mutual averſion. When the people ſee that paying money to their governors,

governors, is paying it to their enemies, they certainly never can give it with a good will; and when they know that this money ſerves only to ſtrengthen the hands of their oppreſſors in forging new weapons of oppreſſion againſt themſelves, they muſt feel an obligation lying upon them to withhold it, rather than to pay it. In this caſe, defrauding the revenue is conſidered not only as juſtice to themſelves, but as a duty to their children. A tax under theſe circumſtances is more naturally objectionable than the *Dane-gelt*, which was formerly paid in England: that contribution was made by the people, to hire a foreign enemy to leave them in peace; and it always had a temporary good effect. But a contribution paid to the people's enemies at home, who being few in number, muſt ſoon, if unſupported, fall of themſelves, cannot promiſe even a temporary benefit; the hand of the enemy that receives it, does not ſo much as lay down its weapon while

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it graſps the money. As long therefore as ſociety continues in its preſent diſordered condition, any arguments drawn from moral propriety muſt be overpowered by the ſtrong voice of neceſſity; for reaſons of nature generally fall in a conflict with reaſons of ſtate.

But as a new order of things begins to make its appearance, and principle is no longer to be borrowed from precedent, we will endeavour to diſcover the ground of the received doctrine relative to taxation; and enquire how far that doctrine is, in itſelf, an object of reform. Out of the ſeventeen millions ſterling which are annually paid into the exchequer in England, but about two millions and a half are levied in direct taxes; that is, in taxes laid in ſuch a manner as to be paid directly to the fiſcal officers by the perſons on whom the burthen falls. Theſe are chiefly comprehended in the taxes on lands and houſes.

houſes. In France, before the revolution, the proportion of direct taxes was much greater. According to the ſtatement of M. Necker, it was near eight millions ſterling, out of about twenty-four millions and a half, of which the public revenue conſiſted. This is ſomething leſs than a third; while the proportion in England is little more than a ſeventh. Theſe proportions are ſuppoſed by ſome of the moſt approved reaſoners on the ſubject, in each country, particularly M. Necker and Sir John Sinclair, to be as high as it would be prudent to go with direct taxation. The remaining portion of the immenſe revenues in theſe two kingdoms, about ſixteen millions and a half for France, and fourteen and a half for England, was raiſed in the former, and is ſtill raiſed in the latter, by indirect taxation; by cuſtoms, exciſe, and inland duties of various kinds, called *taxes on conſumption*. The art of impoſing theſe, ſo as to inſure their collection, is to incorporate

corporate the ſum to be raiſed for government with the price of every thing for which men pay their money in the courſe of life. It is the hook within the bait of all our pleaſures, of all our conveniences, and of all our neceſſaries. The hook cannot be ſeparated from the bait, nor the bait from our exiſtence. With regard to individuals, the queſtion is not, ſhall we pay the tax? but, ſhall we exiſt? The continuance of life is a continuance of the tax; and the language of the ſyſtem is, pay the debt to government, or pay the debt to nature.

It is ſaid in Ethics, on the ſubject of *neceſſity*, that, ſuppoſing there is no choice of action, there can be no moral agency, and no virtue. We will not enquire into the propriety of the ſuppoſition or of the conſequences drawn from it, as it reſpects our relation to the Deity, and our ſubjection to the great laws of nature; but there can be no doubt

doubt that the reaſoning is juſt, when applied to the laws of ſociety. Perhaps it is true, that, where I am prompted by the inviſible deſtiny of nature, to do an action for the good of my fellow-creatures, this action is virtuous; but when the neceſſity for this action ariſes directly from the poſitive laws of ſociety, in whoſe favour it is to be performed, —when the argument derives its force from the ax held over my neck, no idea of virtue can be annexed to the action; it is merely mechanical. On this ground we may eſtabliſh a poſition, which I believe will not be controverted: that the exerciſe of *private judgment* is the foundation of *moral virtue*; and conſequently, that all operations of government carry deſtruction to the latter, in proportion as they deprive us of the former. An arbitrary order impoſed by a maſter, whether it be upon a nation or a ſimple domeſtic ſervant, tends to debaſe the mind, and cruſh that native dignity

which

which is abſolutely neceſſary to the exiſtence of merit, or of ſelf-approbation. And the effect that ſuch an order produces on the mind is nearly the ſame, whether the action enforced be right or wrong.

The true object of the ſocial compact is to improve our moral faculties, as well as to ſupply our phyſical wants; and where it fails in the firſt of theſe, it certainly will fail in the laſt. But where the moral purpoſe is attained, there can be no fear but that the phyſical one will be the inſeparable conſequence; place ſociety on this footing, and there will be no aid or duty that the general intereſt can require from individuals, but what every individual will underſtand. His duties, when firſt propoſed, will all be voluntary, and being clearly underſtood to be founded on the good of the whole community, he will find a greater perſonal intereſt in the performance than

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he would in the violation. There is no poſition more undeniable in my apprehenſion, than that this would always be the caſe with a great majority of any people; and if we ſuppoſe a ſmall portion of refractory perſons, who, from want of original conſent, or from a ſubſequent change of opinion, ſhould refuſe to perform their duties; in this caſe, the opinions of the great majority aſſume the ſhape of government, and procure a compliance by compulſion and reſtraint. This is the only ſure foundation on which we can ever build the real dignity of ſociety or the correſponding energy of government. It is eſtabliſhing the moral relations of men on the moral ſenſe of men; and it is this union alone that can cheriſh our eſteem or command our reſpect.

On this plan, it is of the utmoſt importance that the wants of the ſtate ſhould never be diſguiſed, and that the duty of the individual, in ſupplying thoſe wants,

ſhould never be performed by deception. If the ſtate be properly organized, ſuch diſguiſe and deception will be unneceſſary; and if we wiſh to preſerve it from degeneration, they will be extremely dangerous; as, by attacking the moral ſenſe of the people, they ſap the foundation of the ſtate.

When a company of merchants, or other private men, engage in an enterpriſe that requires contributions in money, we hear of no difficulties in raiſing the ſtipulated ſums among the different partners in the company. Every partner makes it his buſineſs to underſtand the nature of the concern; he expects an advantage from the enterpriſe, and pays his money with the ſame willingneſs, as he would pay it in his private buſineſs. He would feel himſelf inſulted, if any diſguiſe were thrown upon the ſubject, to cheat him into his duty. Indeed, when the enterpriſe has come to an end, or when

when there is an apprehenſion of loſs, or a ſuſpicion of miſmanagement in the agents, it is natural to expect a reluctance in payment, which is only to be overcome by the arts of deception or the compulſion of law. But this is not the caſe while the company is in a proſperous condition, and while its members are united by mutual confidence in purſuit of a common intereſt. A nation, whoſe government ſhould be habitually in the hands of the whole community, would always be a company in this proſperous condition; its concerns would be a perpetual and promiſing enterpriſe, in which every individual would find his intereſt and repoſe his confidence. Perſonal protection and public happineſs would be the objects aimed at in the adminiſtration; and theſe would be infallibly attained, becauſe no human accidents could prevent it. There could be no ſuſpicion of miſmanagement in the agents, they being perpetually under the

controul of the whole people. Every reason, therefore, which could induce individuals to with-hold their pecuniary contributions, would be entirely removed; and the same motives which influence a man to give his attention and pay his money in his own personal concerns, would engage him to do the same things in the concerns of the public.

If these positions are not true, then have I misconceived the character of the human heart, and the real effects to be wrought on society by a rational system of government; but if they are acknowledged to be true, it ought to be an indispensable maxim to abolish and avoid every vestige of indirect taxation. It must appear evident, that to raise money from the people by any other method, than by openly assigning to every one his portion, and then demanding that portion as a direct contribution, is unnecessary to the object of revenue, and destructive

deſtructive to the firſt principles of ſociety. It has long been complained of in England (ſo long that the complaint has almoſt ceaſed to make any impreſſion even on the minds of thoſe who repeat it) that *the Exciſe is an odious tax.* The reaſon on which the complaint is founded is what the principle of government, and of the oppoſition to the government, would naturally ſuggeſt; but it is not the reaſon which I ſhould aſſign. The tax is ſaid to be odious, chiefly becauſe it throws a vexatious power into the hands of the revenue officers, to ſearch the houſes and inſpect the affairs of individuals. As long as the government and the people are two oppoſite parties in the ſtate, at continual enmity with each other, it is natural that each party ſhould wiſh to conceal its operations, the better to ſucceed in their mutual hoſtility and defence; for ſecrecy is one of the weapons of war. But if the ſtate conſiſted of nothing more than one great ſociey com-

compoſed of all the people, if the government was their will, and its object their happineſs, the reaſons for ſecrecy would ceaſe, the inteſtine war would ceaſe, the parties would ceaſe.

The buſineſs of the ſtate and the buſineſs of individuals might be ſafely expoſed to all the world. An open generoſity of conduct, the reciprocal ſign and guarantee of integrity, would mark the character of every member of ſociety, whether acting as a public agent, or as a private citizen.

But the great objection which ought to be made againſt the Exciſe, is the ſame as will apply to Cuſtoms, Duties, and all other tricks of a ſimilar kind, by which the money is drained from the people without their knowledge or conſent. The whole ſyſtem of indirect taxation, ſo univerſal in Europe, ſo much extolled by the ableſt financiers, as neceſſary in compoſing their

their enormous maſſes of extorted revenue, is wrong from its foundation, and muſt be vicious in its practice. It is built on the great ariſtocratical principle, that men muſt be governed by fraud; and it can be only neceſſary to that ſyſtem of management which divides the nation into two permanent parties, the party that receives and the party that pays.

The wretched reſource that governments have found in Lotteries,* Tontines, and Annuities upon ſeparate lives, merits

* It was my intention in this place to have noticed, ſomewhat more at large, the pernicious tendency of Public Lotteries. But the late criſis in the government of France, when the people found it neceſſary to reviſe their Conſtitution, offered an occaſion for making ſome remarks which I thought might be uſeful to them on the buſineſs then lying before them. I therefore publiſhed a ſhort Treatiſe on the Defects of their Conſtitution in "*A Letter to the National Convention*," in which are particularly treated the ſubject of *Lotteries*, that of public *Salaries*, and ſeveral other matters, which otherwiſe would have come into this Eſſay on Revenue.

merits the ſevereſt cenſure, and ought to be held up to the execration of mankind, the moment we are ready to reſort to the real principles of our nature, in managing the affairs of nations. A tontine partakes at once of the nature of lotteries and of ſimple life-annuities, and involves in itſelf the principal vices of both. Like a lottery it is founded in the ſpirit of gambling; and like a life-annuity, it detaches a man from the feelings and intereſts of his friends, of ſociety and of all mankind, except thoſe of the particular claſs of the tontine to which he belongs; and to them he is rendered, in a literal ſenſe, a mortal enemy.

Borrowing Money upon *life-annuities*, as an operation of government, has been much more practiſed in France than in England. The reaſon of this is well explained by Adam Smith.* It was owing to the ſuperior influence, in that

* Wealth of Nations, Book V. Chap. III.

country,

country, of thoſe unnatural diſtinctions among families, which prevent them from aſſociating with each other on the principles of mutual attachment; principles congenial to the human heart, and no leſs neceſſary to individual happineſs, than to the good order of ſociety and the proſperity of the ſtate. The pride of birth and the jealouſy of rank operate on ſociety like congelation and concuſſion on a body of water: they freeze up the whole maſs, and break it into a thouſand pieces; which refuſe to unite among themſelves, or to anſwer the purpoſes which nature has aſſigned to the element. The genius of ariſtocracy, by the diſtinctions of birth, had eſtabliſhed in France almoſt as many ranks as there were families. Theſe were perpetually repelling and repelled, tormented by jealouſies, and kept aſunder by artificial averſions, which ſilenced the voice of nature, and counteracted every object of ſociety. A man in this frozen, iſolated

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and repulſive ſtate of things, becomes a proper object for the government to ſeduce into a ſelfiſh hoſtility againſt the generous duties of life, by the temptation of life-annuities. An elegant French author deſcribes the annuitant as having ſubdued every ſentiment moſt dear to the human heart: "He amaſſes his whole capital upon his own head, makes the king his univerſal legatee, ſells his own poſterity at the rate of ten per cent, diſinherits his brothers, nephews, friends, and ſometimes his own children. He never marries; he vegetates, till the return of the quarter day, and enquires with eagerneſs in the morning, whether he is ſtill alive; his whole exerciſe of body and mind conſiſts in going once in three months to the notary at the corner of the ſtreet, to ſign his receipt, and obtain a certificate, that he is not yet dead." The officers of government know very well the advantages derived from long humid winters and epidemical diſ-

eaſes;

eaſes; and they muſt delight in the winnings of the game thus played by the public treaſury in partnerſhip with death.*

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* For a more lively and affecting picture than I ſhould be able to give, of the evils ariſing from this ſyſtem, the reader is referred to the original of the ſhort ſketch, drawn by the above author, Mr. Mercier, in his *Tableau de Paris*, ch. 76. The following is a part of it.

" Mais comment un gouvernement ſage a-t-il pu ouvrir la porte aux nombreux & incroyables déſordres qui naiſſent des rentes viagères? Les liens de la parenté rompus, l'oiſiveté penſionnée, le célibat autorisé, l'égoiſme triomphant, la dureté réduite en ſyſtême & en pratique; voilà les moindres inconvéniens qui en réſultent. N'eſt ce point cet appât, donné trop facilement à l'amour de ſoi-même & aux jouiſſances perſonnelles & excluſives, qui fait qu'il n'y a plus de parens, plus d'amis, plus de citoyens? Tout à fonds-perdu,—amitié, amour, parenté, tendreſſe, vous êtes auſſi à fonds-perdu! Neuf, dix pour cent; & après moi le déluge. Voilà l'axiome meurtrier & triomphant!

Le nombre des filles qui ont paſſé l'age de ſe marier eſt innombrable à Paris: elles ont ſigné des contrats

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I am ſenſible that all theſe maxims, which go to a change of ſyſtem in the collection of revenue, are deſtined to reſt merely in ſpeculation, in all countries ſtill afflicted with unnatural plans of government; for ſo they muſt reſt, till a total change of principle ſhall have taken place. But let it not be ſaid that, on this account, the hints here given, are uſeleſs. If they are founded in truth and reaſon, the French Republic will ſoon be able to adopt them. By the time that its government ſhall be permanently ſettled, its public debt will doubtleſs be very conſiderably reduced. Its neceſſary revenue will then be ſo ſmall, compared with what it hitherto has been, the people will be ſo far ele-

de rente viagère, ce qui les empêche de ſigner un contrat de mariage; car la première réflexion que l'on fait, roule ſur l'inévitable misère des enfans qui ſeront iſſus d'un tel nœud.

Un contrat viager iſole toujours un particulier, & l'empêche de remplir les devoirs de citoyen."

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vated to the dignity of freemen, and accuſtomed to the duties of citizens, that they will find a ſenſible pleaſure, rather than a ſervile taſk, in paying their contributions to the ſtate. This reaſoning may likewiſe be thought worthy of conſideration in the United States of America; where perhaps it may be followed by the ſame effects. With reſpect to other countries, we muſt wait. A reformation of ſo deep a nature muſt be preceded by a perfect regeneration of ſociety; ſuch as can only be expected from a radical change of principle in the government.

I am ſenſible that men, whoſe experience in the management of public affairs has taught them to judge with ſeverity on the various perverſities of human nature, will find many obvious objections to a theory ſo different from that on which their practiſe has been founded. If I do not anticipate all their

their arguments in form, I certainly mean to do it in ſubſtance; for I am not unappriſed of their weight. Where the revenue is to be raiſed only for *honeſt* purpoſes, and where it is to be kept within a moderate compaſs, ſo that the taxes are to be no more than what a well-organized community would be willing to lay upon itſelf, all arguments againſt raiſing the whole by direct taxation are reducible to theſe two points: the *improvident* temper of one claſs of men, and the unreaſonable *ſelfiſhneſs* of others, have always rendered it difficult to obtain from them their contributions by direct and open means. The firſt of theſe claſſes comprehends many of the poor labouring people in the great towns. Theſe people are in the habit of ſpending all they can earn, if not for the neceſſaries of life, at leaſt for ſuperfluous or vicious gratifications. They never provide for a future want, even their own;

own; much leſs would they think of providing for the wants of the ſtate. As it is vain to aſk for money where it does not exiſt, no tax can be collected by applying directly to that claſs of men. It is therefore thought beſt to mingle the tax with their meat and drink; and, ſince they will ſpend all their money for theſe, let a part of it go to the ſtate.

To this argument ſeveral anſwers may be offered: *firſt*, it is in a great meaſure owing to the inherent defects of the government, that ſuch a claſs of improvident men is found in any ſociety. That men of good intellects and ſound conſtitutions ſhould be inattentive to the means of procuring happineſs, is certainly contrary to the analogy of nature. Indeed we overlook the cauſe when we go back to nature for it; there is no doubt but it is always to be found in their relative ſituation in the ſocial ſtate. It is the want of early inſtruction, or the want of proper objects of emulation to ſtimulate the mind to a ſenſe of its own dignity, as relative to

the ſociety in which it has to act. When the man is taught to know and feel that he never can riſe above the condition of a beaſt of burthen, he acts at leaſt a conſiſtent part, perhaps even a wiſe part, in blunting his feelings, and beating down his mind to the level of his deſtination. But it is not neceſſary to ſuppoſe that perſons in general, who are found in the claſs above deſcribed, have to go through the ſame proceſs of reaſoning, and then of killing their reaſon, in order to arrive at this condition. Such indeed muſt have been the origin of the buſineſs in the firſt inſtance; but afterwards, the greater part are *born* in this element of apathy; they are ſurrounded all their lives by no other examples but beings of this ſort; and they never have a thought or a wiſh beyond their preſent ſituation. Their only object is to baniſh all thought and ſtifle every wiſh; and whether they periſh under the walls of an ale-houſe, or in a king's ſhip, or on the king's gallows, is to them a matter of perfect indifference. Such

Such is the deplorable condition of a numerous claſs of beings whom monarchs and miniſters muſt recognize as their fellow-creatures; and if they are called more *vitious* than their rulers, it is becauſe we have perverted the meaning of the word. But I am not finding fault with *men* of any particular deſcription whatever. In this drama of human miſery, in which ſo many diſtorted characters are acted, our moral faculties are warped and fitted to the part aſſigned us; and we perform it without ſcruple or enquiry. The judge upon the bench is ſcarcely more to blame, than the ſtupid felon he condemns. The oppreſſors and the oppreſſed, of every denomination, are, in general, juſt as wicked and juſt as abſurd as the ſyſtem of government requires. In mercy to them all, let the ſyſtem be changed, let ſociety be reſtored, and human nature retrieved.

Thoſe who compoſe the middle claſſes of mankind, the claſſes in which the ſemblance of nature moſt reſides, are called

upon to perform this taſk. It is true that, as reaſon is ſlow in returning to the mind from which it has been ſo fatally baniſhed, it will require ſome time to bring the men, who now fill the two extremes in the wretched ſcale of rank, to a proper view of their new ſtation of citizens. Minds that have long been cruſhed under the weight of privilege and pride, or of miſery and deſpair, are equally diſtant from all rational ideas of the dignity of man. But even theſe claſſes may be brought back by degrees to be uſeful members of the ſtate; and there would ſoon be no individual, but would find himſelf happier for the change. Place government on the wiſdom of the whole people, and they will always have wiſdom enough to conduct it.

Second, under this natural organization of the ſtate, ſhould there remain a ſmall number of improvident men, unable to perform the duties of active citizens.

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there would be many reaſons for excuſing them from any part of the public burthen. It is probable that very few inſtances would be found, where the inability did not ariſe from mental or bodily defects; in which caſe, their claim on ſociety for a ſupport, would take place of any claim that ſociety could have upon them for the payment of a tax. In addition to theſe, we may ſuppoſe a few others, who, from accidental loſſes, or other misfortunes to which ſeparate property is liable, might be unable to anſwer the demand of the collector; theſe the government would naturally excuſe. If, after theſe, there ſhould remain another claſs, who, wantonly regardleſs of their own happineſs and of their ſocial duties, ſhould be found without the means of payment, (which is a ſuppoſition I admit only for the ſake of argument) the loſs to the ſtate would be very trifling in omitting to collect from them. It would bear no compariſon to the infinite miſchiefs that

proceed from the ſyſtem of diſguiſe.

As to the other point of objection, ariſing from the unreaſonable *ſelfiſhneſs* of ſome ſorts of people, which makes it difficult to come at their money by any direct application to their perſons, it deſerves a farther conſideration. But to give it a full diſcuſſion would lead to a new range of ſpeculation into human nature, extending to a length which I fear would be diſproportionate to the limits aſſigned to this chapter. I cannot be ſatisfied with the common opinions we have entertained in regard to the effect that *property* would naturally have upon the human mind. I ſay *naturally*, not in contradiſtinction to the *ſocial* ſtate, but in contradiſtinction to the *unnatural* ſtate, in which government, founded on conqueſt or accident, has hitherto placed mankind. A natural ſtate of ſociety, or a nation organized as human reaſon would dictate, for the purpoſe of ſupplying the

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greateſt quantity of our phyſical wants, with the correſponding improvement of our moral faculties, has never yet been thoroughly tried. It muſt be confeſſed therefore that the opinions we have formed of the human heart ſtand a chance of being erroneous; as they have been formed under the diſguiſe of impreſſions which do not belong to its nature. The picture of man could not have been fairly drawn while he ſat with a veil upon his face. Theſe facts being premiſed, if we wiſh to come at his genuine character, the hiſtory of his actions muſt be received with particular caution; as but little reliance can be had upon their teſtimony. The labyrinths of error in which he has been forced to wander, the deluſive tapers with which he has been conducted, and the load of abuſes under which he has had to ſtruggle, muſt have dimmed his underſtanding and debaſed his moral powers, to a degree that cannot yet be accurately known. He

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riſes into light, aſtoniſhed at what he is, aſhamed of what he has been, and unable to conjecture at what he may arrive.

Some general traits, however, may be diſcovered in his character, and recognized as the genuine ſtamp of nature. Among theſe may be reckoned a certain deſire in every individual of obtaining the good opinion of his fellow-creatures. Some degree of diſtinction, at leaſt ſo far as to acquire an individuality of character among his equals, and merit their reſpect and confidence, is doubtleſs natural to man; and whatever, in a true ſenſe, is natural, is, in the ſame ſenſe, laudable. A man, without the artificial aid that ſociety gives him, has but two reſources on which he can rely for obtaining this reſpect; theſe are his *phyſical* and his *moral powers*. By the cultivation of one or both of theſe, he renders himſelf uſeful, and merits the diſtinction that he wiſhes. Property, which is called, perhaps with ſufficient accuracy, the creature of ſociety, is ſecured to individuals,

only for their private benefit; or at moſt as a pledge of their attachment to the community, by which it is guaranteed. It is not expected, on the true principles of ſociety, that an individual ſhould diſpoſe of any part of his own property to the benefit of the public. So much of it as the public requires in contributions, is demanded as a right; it belongs to the ſtate by the nature of the ſocial contract, in return for the guarantee of the reſt. It cannot be intended therefore that this ſhould be the way in which a man ſhould uſe his property, to procure to himſelf reſpect; neither is it ſo in fact. The reliance he has upon it, for the purpoſe of reſpect, is founded on a different principle. Except ſuch proportion as is neceſſary in ſupplying his perſonal wants, the poſſeſſor makes uſe of his property as a ſign, or as a ſubſtitute, of perſonal merit. Indeed ſo far as his property is the fruit of his own exertions, it is not an unnatural indication of abilities; and

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even where it has defcended to him from his anceftors, it is not a more unreafonable ground of pretenfion, than hereditary titles of any other defcription.

On this principle, it is eafy to trace the beginnings of a deviation from a rational eftimate of things, in our attachment to property. A government which had been founded in violence, and was to be carried on for the exclufive benefit of a fmall proportion of the community, muft have been under the neceffity, at all times, of fupporting itfelf by impofition. This circumftance goes at once to the difcouragement and difufe of the *moral powers* of individuals; as they muft ceafe to be cultivated, the moment they ceafe to be refpected. As the nation, at the fame time, grew more numerous, and the fuccefs of war and other great operations were found to depend lefs on *bodily ftrength*, this too began to lofe its eftimation, and could no longer be relied on,

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as a title to reſpect. A natural reſource therefore, by which to eſcape from theſe unnatural reſtrictions, was found in a veneration for external and fallacious ſigns of merit, appropriated to individuals. This was the origin of all hereditary titles of honour; and it muſt likewiſe have been the origin, at leaſt in a great meaſure, of our exceſſive attachment to property.

There is another point of view in which this theory may be placed, that will ſhow it to be ſtill more probable. In the ſame proportion as this veneration for property offered a reſource to individuals, on their giving up the natural right of cultivating their perſonal talents, it alſo became a neceſſary engine in the hands of the government. It is eaſy to perceive, that, in a ſyſtem where every thing depends on hereditary rank, the perſon placed at the head ought always to be entitled to the greateſt ſhare of reſpect.

reſpect. And where ſhould a king ſeek for this, but in exterior pomp? Neither wiſdom nor ſtrength can be made hereditary, but titles and property may. It was abſolutely requiſite that thoſe qualities in which the king might be rivalled or ſurpaſſed by his ſubjects, ſhould be brought into diſrepute; and that all mankind ſhould fix their admiration on thoſe in which he could excel. Governments of this kind are ſure to be adminiſtered in ſuch a manner, that the king ſhall always be the richeſt man in the nation; and they generally go farther, and make other men rich in proportion to their ſervility to him. It is thus that the order of nature is inverted, and names are ſubſtituted for things. The ſimple uſes of *property* are converted into the ſplendid magnificence of *wealth*. This becomes the great and almoſt univerſal object of human ambition; it excites the gaze and veneration of all claſſes of men. Individuals are really not to be blamed,

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nor their judgment to be called in queſtion, for this manner of eſtimating things. Exterior pomp is, in fact, more uſeful to them, than perſonal qualifications. It indeed often takes place of all the ſolid enjoyments of life; and it never can be ſtrange that it ſhould do ſo, as long as it procures that reſpect, the deſire of which is doubtleſs among the ſtrongeſt paſſions of our nature. We never hear of a man committing ſuicide for the want of a loaf of bread, but it is often done for the want of a coach.

Such is the paſſion, and ſuch, I believe, is the *origin* of the inordinate paſſion for property, in the preſent ſtate of manners. The greater part of rational men agree that theſe things are wrong; they agree that the general taſte and ſentiments of mankind, on this ſubject, are erroneous; and they wiſh they could be changed. The only point in which I differ from theſe men in opinion is,

is, that I have no doubt but theſe things *will* be changed. I think we diſcern the radical cauſe of the evil; I think that cauſe will ſoon be removed; and the remedy will inevitably follow; becauſe it is nothing more than a ſimple operation of nature, recovering herſelf from reſtraint. I am not preaching a moral lecture on the uſe of riches, or the duty of charity; I am endeavouring to point out the means by which the neceſſity for ſuch lectures may be ſuperceded. A duty that runs contrary to habit, is hard to be enforced, either by perſuaſion or by law. Rectify our habits, and our duties will rarely be omitted.

Good men in all civilized nations, have taken unwearied pains, and given themſelves real grief of heart, in cenſuring the vices and recommending the duties of mankind, relative to the uſe and abuſe of property. Their labours have doubtleſs done ſome good; for we may readily conceive

conceive that the quantity of miſery in the world is not ſo great as it might have been without them. But theſe men have not penetrated to the root of the evil; or rather, they have overlooked it; and the remedies they have propoſed have always been partial, unpromiſing, and without ſucceſs. They lay the blame to the natural propenſities of the human heart, and call upon individuals for reformation. Whereas, the fault lies not ſo deep, nor is the cure to be looked for from individuals, even with reſpect to themſelves. Habit is the ape of nature; it aſſumes her appearance, and palms its vices upon her. And as the univerſal habit with reſpect to the ſubject now in queſtion has ariſen out of unnatural and degrading ſyſtems of government, a reformation can be expected, only from referring back to nature for a change of thoſe ſyſtems; and there is no doubt but this remedy will be effectual.

Eſtabliſh

Eſtabliſh government univerſally on the individual wiſhes and collected wiſdom of the people, and it will give a ſpring to the moral faculties of every human creature; becauſe every human creature muſt find an intereſt in its welfare. It muſt afford an ample ſubject for contemplation and exertion; which cannot fail to give a perpetual improvement to the mind, and elevate the man to a more exalted view of himſelf, as an active member of that ſocial ſtate, where virtue has a ſcope for expanſion, and merit is ſure to be rewarded. Being thus reſtored to nature, every thing is eaſy and progreſſive; the individual looks to himſelf for his title to reſpect, the moment he becomes habituated to believe and know that this is the only title that will anſwer his purpoſe. The idea of relying on the glare of exterior pomp, whether it be of wealth or hereditary rank, muſt be regarded as what it really is in fact, the effort of a weak mind

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to cover its own weakneſs. Such efforts being reſented by the people, as attempts to impoſe upon their underſtanding, they muſt fall into diſrepute and be laid aſide. They cannot be uſeful, they cannot be kept in countenance, in a ſociety founded on the baſis of human reaſon.

It is difficult to conceive to what an extent this circumſtance would operate on the character of the human mind, with reſpect to its attachment to property. If the preſent ſyſtems of government are unnatural, I am convinced that this part of the human character is unnatural; and a change in the former muſt produce a change in the latter. One of the uſes of property, that of procuring reſpect, would be entirely cut off. And it muſt be conſidered that this is the uſe that has generally had the moſt powerful effect upon the mind; becauſe it is immoderate and unbounded. It is well known that rivals in the diſplay of wealth

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are among the moſt jealous rivals in the world; and that there is uſually no limit to the deſires of a man on this ſubject, when they once paſs the limit of his real or expected wants.

One ſimple fact, with reſpect to the French nation, is almoſt ſufficient of itſelf to ſupport the opinion I here advance. But I thought it neceſſary, before adducing that fact, to recur to theoretical principles; in order to ſhew that both the fact and the opinion are founded in nature, and therefore may be truſted, ſo far as they go, as the foundation of a practical ſyſtem. It is well known that the national character of that people within four years has undergone almoſt a total change, with regard to the eſtimation of exterior marks of diſtinction, of every kind. What is called Rank, ariſing from hereditary titles, had formerly as great an influence in the country, as at court; it was held

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as ſacred in the moſt ſequeſtered walks of life, where actions obey the impulſes of the heart, as in the moſt brilliant aſſembly, where they are regulated by a Maſter of Ceremonies. It is impoſſible for wealth itſelf in any nation to be more reſpected than titles were in France among all claſſes and deſcriptions of people. Their veneration for King was proverbial through the world; and this was only a ſample of their univerſal reſpect for every thing that bore the name of hereditary tokens of rank. Their adoration for theſe diſtinctions could ſcarcely be conſidered as the effect of habit; it had ſo far wound itſelf into the native character and ſoul of a Frenchman, that it could not be diſtinguiſhed from an element of his nature. But the change of government, like a chymical analyſis, has ſeparated the droſs of habit from the gold of nature; it has melted off the courtier and ſhewed us the man.

This is not all. *The brilliance of wealth* has likewiſe in that country loſt its former value; it being no longer conſidered, either by the proprietors or by others, as capable of commanding reſpect. I know it will be ſaid, in anſwer to this, That it is owing to a temporary circumſtance; that the great body of the people, who have taken the government into their own hands, are envious towards the rich, and are aiming to reduce all men to a level in regard to property. The plaineſt reply to this aſſertion which has often been repeated is, what candour itſelf would make, *that it is not true.* No people ever ſhewed a more ſacred regard to private property than the French have uniformly done, during the whole revolution. And, as if to put calumny to the bluſh, and baffle all theories of ſophiſtry againſt a popular reclamation of rights, this regard to private property has been in proportion to the irregu-

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larity of their movements, and the opportunity for pillage. It is to be wiſhed that governments themſelves would learn a leſſon of honour from theſe examples of anarchy, inſtead of employing venal writers to abuſe them.

It cannot be denied, that in all other parts of Europe there are two diſtinct purpoſes to which property is applied, —a reſource againſt phyſical wants, and a reſource for perſonal reſpect. It cannot be denied, that in France it has already ceaſed, in a great meaſure, to anſwer the laſt of theſe purpoſes. The cauſe of this is perfectly natural, and I have no doubt that it muſt be permanent. The ſame effect will be produced in other countries, by placing the government on the ſolid baſis of reaſon, inſtead of propping it up on the tottering foot-ſtool of impoſition.

I am aware that my argument is ſtill

expoſed to one objection, from thoſe readers who are acquainted with the preſent ſtate of ſociety in *America*. It will be ſaid, that the people of the United States manifeſt a great attachment to property, conſidered as *wealth*, and merely for the purpoſe of parade; that, though their government is American, their manners are European. To this I reply, in the firſt place, that the charge is true only in a limited ſenſe. The influence of riches in that country, even on the minds of thoſe who poſſeſs them, is by no means ſo great as it is in Europe. But this anſwer will not be completely ſatisfactory to the objector, neither is it ſo to me. We muſt acknowledge the fact to exiſt, at leaſt in a conſiderable degree, and endeavour to ſearch out the cauſe. The people of that country have been always accuſtomed to borrow their maxims, as well as their manners, from the various nations of Europe, from which they emigrated: in the

the trading towns, many of the preſent inhabitants are really Europeans, having been in the country but a ſhort time; and emigration is perpetually ſupplying all parts of the States with new adventures: faſhions, and a taſte for expenſive modes of living, are imported with other merchandiſe. In the article of Public Salaries, the governments themſelves have been too much guided by European ideas; which ſuppoſe it neceſſary that public officers ſhould envelope themſelves in pomp and ſplendor, in order to inſpire a veneration for the laws. For though ſalaries in general were fixed at the revolution on a ſcale ſo low as to bear little proportion to what was common in Europe, and though in ſome inſtances they have been ſince reduced, yet they are ſtill ſo high as to bear little proportion to what they ought to be. Theſe things have a great effect on the general maxims of life in that country. But theſe things can never apply to Europe; and, on a change

change of government and manners in the old world, they will ceaſe to apply to the new.

The Americans cannot be ſaid as yet to have formed a national character. The political part of their revolution, aſide from the military, was not of that violent and convulſive nature that ſhakes the whole fabric of human opinions, and enables men to decide which are to be retained as congenial to their ſituation, and which ſhould be rejected as the offſpring of unnatural connections. Happily, the weight of oppreſſion there had never been ſo great, nor of ſo long a duration, as to have diſtorted in any extravagant degree the moral features of man. He recognized himſelf as the ſame being, under the new ſyſtem as the old; for the change of form had not been ſo perceptible as to require a great change of principle. Under theſe circumſtances, the people continued moſt of their ancient

cient maxims, though they were a mixture of foreign and domeſtic; and, as habit is a coin current in all countries, it is not ſurpriſing that whatever had received the ſtamp of authority in the poliſhed nations of Europe, ſhould be adopted without ſcruple by the offspring of thoſe nations in America.

The circumſtance of their not being inveſted with what is called national character, though hitherto a ſubject of regret, will in future be much in their favour. The public mind being open to receive impreſſions from abroad, they will be able to profit by the practical leſſons which will now be afforded them from the change of ſyſtem in this quarter of the world. It will be found there, as it is now found in France, that the diſplay of wealth will ceaſe to be challenged as an emblem or ſubſtitute for perſonal talents; and it will be coveted every where, in a leſs degree than at preſent;

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as it will ſail to gratify the paſſion for reſpect. It may be farther remarked, that this is not the only circumſtance in which the ſtate of ſociety in America will be eſſentially benefited by a change of manners in Europe.

But it muſt be confeſſed, after all, that this is a theory to which it is hard to gain proſelytes; eſpecially among that claſs of men, whoſe knowledge of the world has taught them a caution which ſhuns the allurements of audacious ſpeculation. And, ſince it muſt be referred to experience, to that I truſt the argument. I profeſs nothing more in this work, than to contemplate the *effects* that a general revolution will produce on the affairs of nations. But in contemplating theſe, it is eſſential that we ſhould be appriſed of the correſponding change that will neceſſarily be wrought on the character of man; in order that, being prepared for the event, he may think

think of ſuch arrangements as ſhall be likely to prevent his relapſing into the errors which have coſt him ſo much miſery,

A chapter which treats on the ſyſtem of abuſes ſo generally adopted in *raiſing* a revenue, can ſcarcely be cloſed with ſatisfaction to the reader, without ſome reflections on the correſponding abuſes which are found in the *application*. I ſhall ſay nothing of high ſalaries, civil liſt, peace eſtabliſhment, and the other enormities on which privileged orders and ſenſeleſs places depend. Theſe will ſo ſoon fall, with the wretched plans of government they ſupport, that it really ſeems like an ungenerous triumph, to wiſh to haſten their fate. When the buſineſs of government ſhall be conducted, like other buſineſs, on the principles of common ſenſe, it will be paid for, like other buſineſs, in proportion to the ſervice performed. And unleſs this proportion be ſtrictly obſerved in the payment, theſe principles will not long be

obſerved

obſerved in the ſervice. But our obſervations in this place, on the application of revenue, will chiefly be confined to the ſubject of Public Debts. This ſubject becomes more important at this time, not merely on account of the preſent magnitude of thoſe debts in moſt of the ſtates of Europe, but as relative to the principle on which they are contracted and ſupported. Should this principle be found to be dangerous to liberty, and ſuitable only to a vitious form of government, it will furniſh matter of deep reflection to a nation that wiſhes to eſtabliſh its affairs on the baſis of reaſon and nature.

Here we muſt take a review of that mode of anticipation, which is common to moſt of the modern governments of Europe, and known by the name of the *funding ſyſtem.* This invention (for ſo the art of funding is ſometimes called) has received from the hands of different writers,

writers, a conſiderable degree of cenſure, as well as much unqualified and injudicious praiſe. Indeed, when conſidered with reference to its wide ſweep of attending circumſtances, it preſents itſelf to the mind under a variety of aſpects, and forms altogether a ſtupendous object of meditation; having produced effects that have far ſurpaſſed the limits of previous calculation or belief. In politics and war, it has changed the face of Europe. With regard to other concerns, both of nations and individuals, its effects have been various, contradictory, deluſive, and incapable of accurate eſtimation. It has aſtoniſhingly multiplied the force and activity of trade; but it has increaſed in an equal degree the quantity of uſeleſs and deſtructive ſpeculation. It has converted commerce into a weapon of war; and it has made of that tremendous calamity an alluring inſtrument of commerce. It has brought theſe two occupations, ſo extremely oppoſite in their nature,

nature, to a cordial coalition and mutual ſupport; and thus by the aid of both, it facilitates every project of ambition in the government; till it familiariſes the public mind to a ſerious acquieſcence in a paradox, which muſt have excited the ridicule of any age accuſtomed only to common calculation, That the more a nation is debilitated and exhauſted, the more ſplendid and powerful it grows. Indeed the ſyſtem is replete with ſo much apparent good, attended with its ſolid weight of evils, that we may be thought to incur the guilt of partiality or inattention, ſhould we fail to qualify our cenſure with ſome degree of approbation.

But the queſtion, Whether the ſyſtem of funding ought to be admitted in all its latitude, can be decided only by ſtriking the balance of good and evil in the effects that it muſt from its nature produce. And I think, on conſidering the ſub-

ſubject as relative to a free republic, the balance will be found much more on the ſide of the evil, than it is when applied to the old plans of government.

The benefits, to be derived from the ſyſtem, are of two kinds:—*commercial*, as it facilitates the buſineſs of individuals, and *political*, as it aids the government in the great operations of war. It is well known, or at leaſt it is univerſally believed, that the public debt in England, being funded on the baſis of mortgaging the national revenue for its intereſt, has created a prodigious maſs of capital in the hands of trade. By furniſhing men with a kind of ſtock, which they are ſure of turning into money at any moment they chooſe, it enables them to vary their operations with ſuch facility, as to ſeize many advantages in domeſtic and foreign markets, which muſt otherwiſe paſs without effect. It is in a great meaſure to this circumſtance,

circumſtance, that many perſons (perhaps without a due conſideration of cauſes) have attributed the flouriſhing ſtate of commerce in this kingdom. Indeed, ſince it is found that commerce has increaſed with the augmentation of taxes, the argument in favour of unlimited funding has become ſo ſeducing, that the paradox has ariſen almoſt to a ſoleciſm; it is ſaid that public inſolvency is public wealth, and the national debt is itſelf a national benefit.

The advantages of a *political* nature, which are derived from the principle of funding, conſiſt in eſtabliſhing ſuch an unqueſtionable credit, that the government can at all times borrow, without the means or the intention, or even the promiſe of payment. This credit anſwers all the purpoſe of an inexhauſtible treaſury, on which the government may draw at any moment, and to any amount. It is eaſy to conceive

ceive the immenſe facility thus given to the meaſures of adminiſtration. It enables them to begin, on the ſhorteſt notice and with the greateſt ſecrecy, the moſt expenſive operations, and then to purſue them to any extent; and this without conſulting the wiſhes of the nation. It precludes the neceſſity of accumulating a national treaſure by previous taxation and œconomy; a meaſure which muſt always be attended with the diſadvantage of loſing the uſe of the money, from the time it is hoarded, until it is expended. It likewiſe avoids the neceſſity of another operation no leſs to be dreaded by officers of government in general; I mean a ſudden augmentation of taxes, by which the people ſhould be called upon to ſupport the expences of the year, within the year. A meaſure which, if not ſometimes impoſſible, would often be hazardous to the reputation of miniſters, and to the ſucceſs of extraordinary enterpriſes. Such

Such is the general ſummary of the advantages derived from the Funding Syſtem; and this opens to our view the train of evils with which they are contraſted. Theſe I fear will be too numerous to be particularly noticed, and too great to be readily conceived. In the hands of an adminiſtration, I will not ſay *corrupt*, but an adminiſtration whoſe intereſt is in any meaſure different from that of the nation at large, this ſyſtem is the moſt dangerous inſtrument that can be imagined; as it is an inſtrument of incalculable force, and may be always wielded without oppoſition. This from the nature of the ſubject muſt be the caſe; becauſe the expences of any projected enterpriſe being charged on poſterity, the party moſt intereſted in making the oppoſition, is not in being at the time, and cannot be heard in its remonſtrance. Thus, in the buſineſs of war, which is the principal object in the Funding Syſtem, it enables governments to hire

men

men to ſlaughter each other with more than their own ſwords. They wring out of the hard earnings of future generations the means of deſtroying the preſent. Here is a double violence which the generation, that goes to war by the aid of funding, commits on the age that is to follow. It precludes the exiſtence of one part of ſociety, by deſtroying thoſe who ſhould have been their progenitors; and it charges the portion of poſterity, that eſcapes into exiſtence, with the expences of killing the fellows of their anceſtors. And theſe expences they muſt pay under the cruel diſadvantage of being deprived of half their natural reſources, by a diminution of their natural numbers.

As military operations are now conducted, every man killed or deſtroyed in war, coſts to the nation upwards of a thouſand pounds ſterling. This calculation is taken from a view of the

laſt war in which England was engaged. The nation expended in that war, as ſtated by Sir John Sinclair,* ſomething more than 139 millions. No financier has calculated with any accuracy *the number of lives* that it coſt on the part of Great Britain, in battles, hoſpitals, and priſons; probably it did not exceed 139 thouſand. So that the people of this country are now conſoling themſelves for the loſs of their friends and relations, by paying for their execution at the rate of a thouſand pounds a head. Other jobbs performed in ſuch a wholeſale manner are generally charged at a cheaper rate; but this is more expenſive than the buſineſs of a like nature, which is done in the formality of detail, at the Old Bailey and Newgate.

It requires but a ſlight obſervation on

* Hiſt. of the Revenue, Part. III. page 95.

the

the character of the times in different ages, to ſhow that the object of war, and the ſpirit with which it is conducted, have been altogether different, within the preſent century, from what they were in more remote periods of modern hiſtory. In the maritime nations of Europe, the object of war has changed from religion to commerce; from a point of honour among kings, to a point of profit among merchants, miniſters and generals. Theſe ſubjects have nothing in their nature ſufficiently animating to rouſe the enthuſiaſm of a whole nation to ſuch a degree, as to render it ſafe for the projector of a war to apply to the people for their immediate ſupport. Therefore, to find the means of carrying it on, they reſort to a principle congenial to the object of the war; and it becomes ſupported, as it is projected, in the ſpirit of commerce. But, as all offenſive wars, in every poſſible circumſtance, can only be maintained by deceiving

the people, the government in this case recurs to a commercial deception, and induces them to undertake the burthen, on condition that the weight of it be shifted off to a future period. Such is the origin of funding; and it has evidently risen out of the necessity that governments were under, of changing the principle of deception, in order to conform to the spirit of the times.

As an engine of state, the funding system has completely taken place of religious enthusiasm; and mankind have been hurried on to their own destruction by the former, within the last two ages, with as little prudence and as much delusion, as they were by the latter, in the twelfth century. Indeed, I see no reason why a genuine crusade could not have been undertaken, even by the government of Great Britain within the last fifty years, and carried on to any extent, by the aid of the funding system.

For

For the principle of the ſyſtem is ſuch as to prevent men from enquiring into the object of the war; as every inducement to ſuch enquiry is almoſt completely taken away, with reſpect to every claſs of ſociety. One claſs, by the previous operation of the ſame ſyſtem in the increaſe of taxes, are rendered ſo wretched in their domeſtic condition, that they are glad to engage as ſoldiers in any cauſe, for the ſake of the pay, ſo pitifully ſmall as the pay of a ſoldier is; another claſs, and one that has great influence on the public opinion, is compoſed of generals, contractors, miniſters and ſecretaries, with all their dependants, who are ſure to make a profitable jobb of any war, however it be conducted, and whatever be its object; another claſs conſiſts of idle ſpeculators in the funds, whoſe chance of gain increaſes with the joſtling of public affairs, and eſpecially with the augmentation of the debt; while the reſt of the community, who

cannot

cannot be rendered active by the allurements of private profit, are rendered paſſive by deferring the payment of the loſs.

From the time when the predatory ſpirit, which led the northern Barbarians to ravage the ſouth of Europe, had ſubſided, and given place to its natural offſpring, in the eſtabliſhment of feudal monarchy, the hiſtory of this quarter of the world begins to aſſume a conſiſtent ſhape; and it offers itſelf to our contemplation, as relative to the ſpirit of nations, under three ſucceſſive aſpects. Theſe are the ſpirit of Hierarchy, the ſpirit of Chivalry, and the ſpirit of Commerce. Out of theſe different materials the genius of the government has forged inſtruments of oppreſſion almoſt equally deſtructive. It has never failed to cloud the minds of the nation with ſome kind of ſuperſtition, conformable to the temper of the times. In one age it is the ſuperſtition

of

of religion, in another the ſuperſtition of honour, in another the ſuperſtition of public credit.

The deplorable uſe that has been made of the laſt of theſe, during the preſent century in England, and for a much longer period in ſome other governments, has induced many perſons to regret that the ſpirit of commerce has ever become predominant over that of chivalry and that of the church. They ſee a contracted meanneſs in the one, which ill compares with the open enthuſiaſm of the other two. But, before we find fault with what ſeems to be the order of nature in theſe events, we ought to conſider the effects that it has and will produce, in the progreſs of ſociety and morals. Chivalry and hierarchy taught us to believe that all men who did not pay homage to the ſame monarch, or uſe the ſame mode of worſhip with ourſelves, were our natural enemies, and ought

ought to be extirpated. The ſpirit of commerce has brought us acquainted with thoſe people; we find them to be like other men, and that they are really uſeful to us in ſupplying our wants. As their exiſtence and their proſperity are found to be advantageous to us in a commerical point of view, we ceaſe to regard them as enemies; and refuſe to go and kill them, unleſs we are hired to do it. But as commerce may deal in human ſlaughter as well as in other things, when ever the government will offer us more money for deſtroying our neighbours than we can get by other buſineſs, we are ready to make enemies of our beſt friends, and go to war, as we go to market, on a calculation of profit.

This is the true ſpirit of commerce as relative to war. But as this ſpirit has made us better acquainted with all foreign nations, and with ourſelves, it has excited a diſpoſition for enquiry into the moral

relations

relations of men, with a view of political happiness. The result of this enquiry is now beginning to appear. It has already convinced us that there can be no possible case in which one nation can be the *natural* enemy of another; and this leads us to discover the cause why they have been *factitious* enemies. The whole is found to have been a fatal deception perpetually imposed upon each nation by its own government, for the private benefit of its administrators. The same spirit of enquiry is now leading the people to change the form of their governments, that society may be restored to its proper foundation, the general happiness of the great community of men.

On examining the succession of principles which mark the character of the times through these different periods, it appears that, when the spirit of commerce had become predominant, the only engine of state, which could be relied upon to excite

excite the people to war, was the eſtabliſhment of a national credit by funding the national debts. And we ſhould not be wide from the truth in aſſerting, that to the funding ſyſtem alone the principal commerical nations of Europe are to attribute the wars of the preſent century, as well as the enormous debts under which they have learned to ſtruggle.

Such have been the effects of funding, under the old forms of government; and having aſcertained the principles on which it has operated in producing theſe effects, we ſhall be better able to determine whether it be admiſſible in the policy of a free republic. In this great criſis of human affairs, it behoves mankind to probe the wounds of nature to the bottom, and remove every excreſcence which might prevent a perfect cure.

Men of contemplative minds, as well as thoſe of practical knowledge, have now

now become ſo generally agreed in the neceſſity of the funding ſyſtem, that, though they diſcern the evils to which it muſt expoſe a nation, I fear it is one of the laſt of their eſtabliſhed maxims that they will be willing to ſubject to the ſeverity of diſcuſſion. The univerſal opinion is that a ſtate cannot exiſt without a national credit; unleſs it put itſelf to the diſadvantage of hoarding up money, and keeping a treaſure in reſerve. And this latter meaſure, beſides the inconvenience above-mentioned, of loſing the uſe of the capital while it lies inactive, would throw into the hands of the executive government, the ſame dangerous power which is entruſted to them by the means of credit. In this reſpect their reaſoning is juſt; and perhaps a full treaſury would be the greateſt evil of the two.

But after all, what is the advantage of a national credit? I mean, in the

ſenſe

ſenſe in which it is generally underſtood, the facility of raiſing a capital on long annuities, by a mortgage of revenue. Shall we not find on an inveſtigation of this very ſimple queſtion, that the advantage derived from ſuch a credit (even ſuppoſing it never to be abuſed) can only be applicable to the old ſyſtems of government? Will it not appear that it is an advantage totally unneceſſary to a rational and manly adminiſtration, conducted by the wiſhes of a free and enlightened people? I am ſuppoſing, and it is but fair to ſuppoſe, that ſuch a people will always underſtand their own intereſt. Or, at leaſt, if they make a miſtake, it will be the miſtake of the nation, not of the miniſters; they will never ſuffer an enterpriſe to be undertaken, but what is agreeable to the majority of the active citizens. This people will never engage in any offenſive war. Indeed, as ſoon as the ſurrounding

nations

nations adopt the ſame change of government, the buſineſs of war will be forgotten ; but in the interval, previous to this event, a real republic cannot ſtand in need of funds, as a preparative for war, unleſs it be invaded. It is even ſafer without funds ; becauſe they might be a temptation to the officers of government to counteract the ſpirit of the republic. In caſe ſuch a people be really attacked by an enemy, then it is that the force of ſociety may be ſeen and calculated. But the calculation does not turn on the cabinet-rules of royal arithmetic ; the power of the republic for the purpoſe of defence does not depend on a national credit, in the ſenſe above-mentioned, or the facility of borrowing money ; the government, in making up its eſtimate of reſiſtance, never aſks, how many ſoldiers have we in pay ? And how many recruits can we inliſt or impreſs ?—But of how many men does the

the nation conſiſt? Armies ſtart into being by a ſpontaneous impulſe; every citizen feels the cauſe to be his own, and preſents his perſon, or his proviſions and his arms, not as an offering to a tyrannical maſter, of whoſe intentions he would be ſuſpicious, but as a defence of his own family and property. The enemy being repulſed, whatever inequalities may be found to have ariſen in this emulous contribution, are liquidated and ſettled on a general ſcale of juſtice.

Even ſuppoſing the war to be of long continuance, and to require ſums of money beyond the voluntary contributions, and beyond the power of prudent taxation for the time; (which indeed, in a wealthy and well-regulated republic, would be an extraordinary thing, and I believe never would occur) in ſuch a caſe, the juſtice of the cauſe, and the natural magnanimity which habitual freedom

dom inſpires, would be a ſufficient guarantee for loans, at home or abroad. It is true in nature, and the truth muſt prove itſelf beyond contradiction to the world, as ſoon as it ſhall have opportunity to judge, that a great people accuſtomed to exerciſe their rights, would never violate their duties.

Injuſtice may be expected from governments founded in uſurpation; it is their natural character, the tenure on which they hold their authority. They never can be juſt, unleſs they deviate from their principle. What is called their *penal juſtice*, as well as their *pecuniary juſtice*, is only the fruit of their fears; and ought to be regarded only as an evidence of their conſtitutional weakneſs. As every thing they do, muſt be done by the force of money, it is neceſſary that they ſhould eſtabliſh a character for mercantile punctuality, to ſerve as a ſubſtitute for the quality of

of juſtice, which quality the nature of their exiſtence denies them. The reverſe of this is the eaſe with governments founded in reaſon and nature, where all the people have an active intereſt. Juſtice there is the firſt article in the ſocial compact; and as neither policy nor principle can ever admit of a deviation from this, the event is not to be expected.

This is the kind of national credit that is proper for a free republic. It is involved in the nature of their ſyſtem, and ſpurns thoſe extraneous aids which artificial credits have required. I ſhould conſider it as a circumſtance dangerous to the progreſs of ſociety, if the new republics, which are to riſe out of the ruins of theſe antiquated maſſes of error, ſhould retain the two great principles of finance, on which much of that error has been ſupported. To raiſe the revenue by *diſguiſing the taxes*, and to force a public

public credit by *dint of funding*, have been equally neceſſary to the ancient ſyſtem ; and it appears to me that they would be equally deſtructive to the new.

How the national debts that now exiſt in ſeveral countries, are to be diſpoſed of, under a change of government, is indeed a queſtion of ſerious magnitude. Probably that of France will be nearly extinguiſhed by the ſale of the national domains. That of Spain, and thoſe of moſt other Catholic countries, may be balanced in the ſame way. In ſome Proteſtant nations, where the debts and the domains have loſt their relative proportion, the caſe will be widely different. But, whatever may be the fate of the debts, I am as clear that they ought not, as I am that they will not, impede the progreſs of liberty.

END OF PART II.

LETTER

ADDRESSED

TO THE PEOPLE OF PIEDMONT,

ON THE

ADVANTAGES OF THE FRENCH REVOLUTION,

AND THE NECESSITY OF ADOPTING ITS PRINCIPLES IN ITALY.

By JOEL BARLOW.

Translated from the French by the Author.

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1795.

ADVERTISEMENT.

THIS Letter was written at Chambery in Savoy, in December, 1792, at the requeſt of thoſe members of the National Convention who were then in that country, for the purpoſe of organiſing the department of Mont Blanc. It was printed in French at Grenoble, and in Italian at Nice, and ſent from thoſe places into Piedmont, and other parts of Italy, during that winter.

It will occur to the reader of the Engliſh copy, which now appears for the firſt time in print, that the defection of Dumourier, in April 1793, the violent factions which diſtracted the Convention, and the ſubſequent civil commotions in many parts of France, occupied the attention of the Republicans the remainder of that year. Their operations againſt the league of foreign enemies (which was now augmented by the addition of England, Holland, Spain and Naples) were confined for that campaign to the defence of the frontiers; and they were thus prevented from puſhing the extenſive advantages which they had gained the year before.

This circumſtance relieved the King of Sardinia from the deſpair in which he had been plunged. It gave him time to augment his forces and repair his fortifications. It gave him arguments againſt the French and the principles of the revolution, and thus enabled him in ſome degree to unite his people in favour of the ſyſtem of deſpotiſm to which they had been accuſtomed; for it muſt be confeſſed, that the manner in which the French affairs were conducted that year, had a

ſtrong tendency to excite a diſreliſh to their cauſe in the minds of diſtant or ignorant obſervers. In addition to all theſe advantages, he received a ſubſidy from England, to enable him to defend his own dominions; by the aid of which he has ſince obtained a large body of auxiliary troops from Tirol, Milan, and Tuſcany.

Theſe unexpected events produced a remarkable change in the relative ſituation of the French and Piedmonteſe, from the cloſe of the firſt campaign to the cloſe of the ſecond. But the third is now opened with as much advantage to the French as the moſt ardent republican could expect. The troops deſtined for the invaſion of Italy this year, did not amount to more than one tenth of the military force that they now have in motion on the Continent. Yet theſe have already paſſed the Alps in three different directions, and are at this time maſters of a conſiderable part of Piedmont. It is probable that this campaign will eſtabliſh the revolution in that country, but unhappily with more expence of blood than was expected from former appearances. Could the ſame force have been employed there the laſt year, under the circumſtances that then exiſted, we may preſume it would have met but little oppoſition; and the writer might have had the ſatisfaction of ſeeing that his letter had produced ſome effect in promoting the cauſe of liberty and happineſs in that intereſting part of the world.

JULY 15, 1794.

☞ *The notes in this edition were not publiſhed in the former ones.*

A

LETTER,

&c.

Chambery, Dec. 27, 1792.

CITIZENS OF PIEDMONT,

YOU occupy one of the ſtrongeſt frontiers of a country which nature ſeems to have deſtined to be the happieſt in Europe. But a number of imperious circumſtances, of which you have been rather the victims than the authors, have for many centuries inverted the order of things, and deprived you of thoſe advantages which ought to attend your ſituation. I am a ſtranger in this part of the world; Italy is known to me only from its hiſtory, and your preſent condition only from diſtant obſervation and report. It is not probable that I ſhall ever have the pleaſure of ſeeing you or any part of your country. You muſt, therefore, acquit me of entertaining any deſire to miſlead you, as I can have no poſſible intereſt in addreſſing you this letter, but the intereſt which the human heart naturally takes in uttering the truth on a very important

ſubject. You are my fellow-creatures; as ſuch I love you, and cheriſh the ties which ought to be mutual between us. You are in a condition which appears to me to call upon you to burſt the bands of ſlavery; in this view, I am ready to hail you as brothers, and wiſh to aid you in your work.

I preſume in the firſt place, and I think I am not deceived, that you are diſcontented with your preſent ſituation. I believe you are convinced that you cannot be happy, as a people, while the powers of your government remain as they now are, as relative to the church, the ſtate, and the army. If this be true, you muſt wiſh for a change; provided ſuch change can be within your power, and provided you are convinced that it would be for your advantage. Let us examine theſe two points: whether you are able to effect a revolution in your government; and if you are, whether you would be benefited by it.—For it is not my wiſh to hurry you into meaſures, of which you cannot ſee the iſſue, and for which you are not prepared.

I. *Are you able to effect a revolution in your government?*

Thisqueſtionneed never be aſkedof any people, when conſidered with reference to themſelves only, without regard to their neighbours. A whole people is eſſentially ſovereign.

They can at all times do as they pleaſe with their own affairs, unleſs they are overpowered by ſurrounding nations. It is the people who ſupport the government as it now is; and the ſame ſovereign people can at any time change its form, and ſupport it in whatever manner it ſhall pleaſe them beſt. The queſtion has no difficulty in it, but when viewed with reference to the intereſt which other governments may have in preventing a revolution in their neighbourhood.

The enquiry, purſued in this connexion, becomes more extenſive; eſpecially when applied to a country of ſmall dimenſions, and to a nation leſs powerful than ſome of its neighbours. Such is Piedmont. Had you been called upon ſeven years ago to look into your affairs, and take the government into your own hands, you muſt have conſidered it as a dangerous experiment. Even ſuppoſing the weight of your ſufferings to have been as great then as they are now, and ſuppoſing you had been poſſeſſed of the ſame information which you have ſince drawn from the progreſs of liberty in Europe, it would ſcarcely have been prudent for you to have engaged in ſo daring an enterpriſe. All the tyrants in your neighbourhood would have brought forward their armies of ſlaves to cruſh the rebellion. The French court would have been, at that time, as much your enemy as the French nation is now your friend. And the houſe of Auſtria,

with all the ſubdiviſions of its power in Italy, poſted at your gates, would have united with that of Bourbon, to have guaranteed your king in every poſſible extent of his oppreſſion.

Under theſe diſadvantages your ſtruggles for liberty might have been vain; they might even have produced a new injury, inſtead of relieving you from the old. But the ground is now changed; the duty you owe to yourſelves is clearly pointed out by the natural current of events; and the work you have to do, in eſtabliſhing a perfect and undiſturbed liberty, is in my opinion much eaſier than you imagine. France is at this time, not only the moſt powerful nation in Europe, but when engaged, as ſhe now is, in defence of liberty, ſhe is a match for all the other powers of Europe, when united in defence of tyrannv. France is now your natural friend, the friend ot all people and the enemy of all tyrants. She is indeed the only friend you have as a nation in this part of the world. France has brought liberty to your doors; and ſhe invites you, in the name of all that is dear to you as men, in the name of all that can bind you to the intereſts of human nature in general, to accept the bleſſing at her hands. She has done more; ſhe has taught you and all other people how public happineſs is to be acquired and preſerved. She has addreſſed herſelf to the great principles of reaſon which

are common to all men; ſhe has cleared away the maſs of prejudice, of falſe doctrine, of ſuperſtition in the ſcience of morals; a maſs which the complicated abuſes of tyranny, continued for many centuries, had accumulated on the human mind. She has laid down and clearly defined the rights and duties of man and of citizens, explained the great doctrine of equality, the true deſign of government, the nature of the truſt to be repoſed in public officers, as ſervants of the people, by whom they are created and by whom they are paid. She has taught you a great practical truth, which is too conſoling to be rejected, and too clear to be called in queſtion, *that you are the ſovereigns in your own country;* that you have not, that you cannot have a maſter, unleſs you chooſe to give up your reaſon, and renounce the character of men; that for any man to call himſelf your ſovereign is a blaſphemy againſt God the ſovereign of nature, and againſt men the proprietors of the earth.

Obligations of gratitude are due to the French nation from you, and from every people in Europe. She has conquered liberty for all men, and laid the foundation for univerſal public felicity. Other nations have only to build the ſuperſtructure, of which the model is given them in the conſtitution of this great republic.

But let us not amuſe ourſelves with words, nor reſt the argument on theoretical principles,

however inconteſtible they may be. Let us ſpeak of facts that are paſſing before our eyes, and call to mind the events of the great year that is now drawing to a cloſe. You have ſeen the principal tyrants and the moſt formidable armies of Europe, combined and marching in the full career of promiſed victory againſt the liberties of France. Theſe armies, after ſweeping over half Europe and famiſhing whole countries in their way to the French frontiers, have there been cut to pieces by a handful of freemen, and driven out of their country. Liberty has marched on the heels of the fugitives; the arch tyrant of Auſtria, at the head of this fatal conſpiracy of kings, has loſt the fineſt part of his dominions; many of the ſubaltern princes of the Empire have loſt the whole of theirs, and are now beggars abroad among their brother brigands, who are in expectation of the ſame inevitable fate. The ſtandard of liberty has reached the borders of the Rhine by the miſcarriage of the ſame combination which has brought it to the ſummit of the Alps.

All the crowned heads in Europe are now covered with thorns. The man of Turin, who calls himſelf your king, has been forced to relinquiſh one half of the uſurpations of his anceſtors, and is now menacing you with deſtruction for fear you ſhould reclaim the reſt. The Duchy of Savoy and the county of Nice, more fortunate than you, have been the firſt

to caſt off his yoke, and are now ready to aſſiſt you with their arms to follow their example. The Pope and the other Italian deſpots, are occupied in reſtraining the ſpirit of liberty at home; ſo that no one of the neighbouring powers is in a condition to take any conſiderable part in your affairs, except the French; and the French are wiſhing to give you every aid that you may aſk.

Under theſe circumſtances, we need no longer enquire whether you are able to effect a revolution; the more natural queſtion is, are you able to reſiſt it? It is true, the French have renounced all ideas of conqueſt, and have declared that they will never make war againſt the liberty of any people. But you will obſerve that this principle contains in itſelf a declaration of war againſt all tyrants who are hoſtile to the liberty of France; eſpecially againſt thoſe whoſe vicinity renders them dangerous to the internal peace of the new republic, by foſtering its fugitive traitors, and being the centre of new conſpiracies againſt the rights of man. The court of Turin comes under this deſcription. It is hoſtile to the liberties of France; it has been ſo from the beginning; the nature of its external connexions and of its internal conſtitution requires that it ſhould be ſo to the end. The court of Turin muſt, therefore, be overturned; the government of your country muſt

be changed, and its powers reſtored to you, to whom they naturally belong.

This is a ſimple view of facts, which may ſerve to indicate the preſent criſis of your affairs, of which it is proper you ſhould be appriſed; that by a due conſideration of the cauſes you may not be aſtoniſhed at the effects. I make known to you my opinion, with all the franknefs that the ſolemnity of the ſubject demands; and it ſeems almoſt impoſſible that you ſhould fail to turn the conſequences to your advantage.

II. The more important queſtion to be diſcuſſed, is *Whether you will be benefited by a revolution in your government?*

Many of you will doubtleſs conſider this enquiry as ſuperfluous, becauſe your condition can ſcarcely be rendered worſe, and the means of rendering it better are ſo obvious that they cannot eſcape the ſlighteſt obſervation. But thoſe of you who are accuſtomed to reflect on the principles of liberty will pardon the ſimplicity of the enquiry, in favour of the great maſs of the people whom it is our duty to inſtruct. There has been ſo much falſehood and folly impoſed on that claſs of mankind, in order to debaſe and brutalize their minds to the level of their condition, that their ignorance has become preternatural; it is almoſt neceſſary to begin their

inſtruction by informing them that they are human creatures. But, citizens of Italy, deſcendants of Brutus and Cato, this ſtate of degradation is not the condition deſigned for man. The God of equal liberty has allotted you a different birthright; you are now invited to reclaim your inheritance, to take poſſeſſion of your portion among your brethren, to enjoy it in peace, and reſtore harmony to the great family of men.

You have been fatally miſinformed with reſpect to the nature of the French revolution, and the events that have attended it. Your religious teachers and your political maſters have an intereſt in deceiving you. They unite their efforts for this purpoſe; they blind your eyes, as you blind the eyes of a mill-horſe, that he may not ſee his harneſs, nor conſider the weight he draws. If the mill-horſe could know that he has only a feeble child for a conductor, and that he is made to go conſtantly round in the ſame ſmall circle, ſo that he cannot hope to come nearer his journey's end; eſpecially if he could look into the neighbouring fields and ſee the other horſes enjoying their liberty, he would ſoon revolt againſt his little deſpot, he would grow diſcouraged with the ſame unpromiſing round of fatigue, and refuſe to do his work. It is for this reaſon that you blind his eyes. My friends, the ſame arts are uſed with you. The clergy and the nobles of your country,

with a man at their head whom they call a King, do nothing but live upon your labours. They cannot ſupport their luxury by any other means than by keeping you conſtantly at work. They know that if you were to be informed of their weakneſs and of your own ſtrength, you would refuſe to be their drudges. They are ſenſible that the moment you open your eyes, you will ſee that they are but men, that all men are equal in their rights, that they have no more right or power to be kings and lords over you than you have to be kings and lords over them; and that in conſequence of this, you would immediately overturn that abominable ſyſtem of public robbery which they call a government, and eſtabliſh a new and equal government, which ſhould ſecure to every man the fruits of his own labours, protect the innocent, puniſh the guilty, and inſtruct every member of ſociety in his duties and his rights.

This is preciſely what the people of France have done; and the performance of this great work, ſo neceſſary to the happineſs of mankind, is called the French Revolution. It is the knowledge of this revolution which your court and clergy wiſh to conceal from you, leſt you ſhould follow the example. They prevent the French news-papers from coming into your country; they forbid the reading of all books that treat of this revolution, and all converſation on that or any other political ſubject; they have ſhut up the popular thea-

tres at Turin, and left open none but that of the nobility, from which the citizens are excluded; they have suppressed the great university of that capital, called *the University of the Provinces*, which used to bring students from all parts of Italy, and a considerable emolument to the town; they have doubled the number of their spies, and increased the powers of the police.

All this is to keep you ignorant of the French revolution, that you may not be disposed to follow the example. Observe the insult offered to your understanding. If the example were bad, your good sense would teach you to shun it; it would need only to be known, to be despised; and it ought to be explained to all people, that they might learn to avoid such a dangerous innovation. If it be good, it ought to be taught by your teachers, and imitated by all the world. But be assured that the very caution they use to prevent your coming to the knowledge of the fact, is a proof that such a revolution would be an advantage to you and a disadvantage to them.

But this is not all; they have invented a thousand falsehoods to supply the place of truth. They have told you lies, in order to excite your enmity against your best friends, and to rouse you to war against those principles which ought to be as dear to you as to the French; because they are the principles of

equal liberty and national happineſs, applicable to all people. They have told you that the French nation is a race of robbers, aſſaſſins and atheiſts; that they have overturned the religion of their country, waged war againſt all property and againſt the lives of its owners. Theſe are impudent falſehoods which never could have been impoſed upon you for a moment, had you been permitted to judge for yourſelves.

With regard to religion, I only requeſt you to look into the firſt principles of liberty, as declared by the National Aſſembly. You will find them conformable to the ſyſtem of the Catholic faith, as taught by the Apoſtles and recognized in your country, before the church was connected with the civil government, and before the miniſters of the altar became the tyrants of the ſtate. The French conſtitution has declared, that all men ſhall be free to worſhip God in their own way, and to follow the dictates of their conſcience. If any man ſhall tell you that this is deſtroying religion, he is a liar, and not worthy to be your teacher. The goſpel of Jeſus Chriſt preaches to you in the ſtrongeſt language the great doctrine of equality; that all men are equal in the ſight of God, and that you ſhall call no man your maſter upon earth. This is the very language of the French revolution. But its authors have gone farther; and, to ſilence all cavillers who could perſuade you or others that

they have deſtroyed the Catholic religion, they have done more to maintain it than any legiſlative body ever did before; they have ordained that the prieſts and biſhops, choſen by the people ſhall be ſalaried and paid out of the national purſe.

It is true, they have ſuppreſſed thoſe haunts of idleneſs, hypocriſy and vice, known by the name of monaſteries and convents. This is an advantage to religion, inſtead of being againſt it; for religion teaches men to do good, and to labour for their living; but theſe inſtitutions teach them to do nothing, and live upon the labours of others. Be aſſured, therefore, that the French have done nothing to the diſadvantage of religion; but, on the contrary, they have done much to maintain it in its native purity and independence. But I intreat you in the ſincerity of my heart not to receive this fact on the ſtrength of my aſſertion, or that of any other man; but to look into their conduct and judge for yourſelves.

You have been likewiſe taught to believe that the French have violated private property. This is a malicious calumny, which every ſtep of their revolution will contradict, the moment you become acquainted with it. In all the decrees of the National Aſſembly, in all the irregular movements and inſurrections of the people, whatever was the object, you will find they have paid a moſt ſacred regard

to individual property. Their conduct in this respect has been more laudable within the last three years than that of any other government in Europe. The same thing may be observed with regard to the private morals of the people; they are essentially better than they formerly were. There have been less instances of theft and robbery in France since the revolution, than at any former period; and probably less, in proportion to its population, than in any of the neighbouring countries during the same period.

With regard to the National Assembly, I will give you some instances of their inviolable principle of preserving the property of individuals amidst the shock of the revolution. The abuses of the ancient government had created thousands of useless offices in every department of state, in the *law*, the *finance*, and the *king's household*,--the same as you see at Turin. These offices were supposed to have been purchased and paid for by those who held them; though many of them had been given gratis through favour and intrigue. On the regeneration of the government and of the nation by the revolution, it was necessary that these destructive sinecures should be suppressed; and the Assembly, considering them as the property of the holders, purchased up this property and paid the proprietors the full prices that they had given, or were supposed to have given, for their places. This

act of juſtice was certainly not neceſſary to the revolution. It muſt therefore be conſidered as a mark of that national dignity which forbids the violation of any kind of private property, however ſlender the title by which it is claimed.

Another inſtance may be obſerved in the public debt. It is well known that the public debt of France, as well as that of Piedmont, was contracted by a wicked and infamous court, the greater part of it for the worſt of purpoſes. It was in part contracted to ſupport the vices of a horde of men and women at Verſailles, who were a diſgrace to human nature, and whom the nation was under no obligation to maintain; it was in part contracted to carry on foreign wars and conqueſts, the expreſs purpoſe of which was to rivet the chains of the people at home. But as the creditors in general were not to be blamed for theſe things, they were declared to be the proprietors of the debt; and the nation aſſumed upon itſelf the payment, without any diminution. This muſt ever be remembered as an act of ſovereign magnanimity and of diſintereſted protection to the property of individuals; an act to which they were not conſtrained by any neceſſity or previous obligation. A royal bankruptcy might have been declared, without affecting the future credit of the nation; and the revolution would have ſuffered no delay, but would have been faci-

litated by proceeding on this principle. Instead of doing this, the people have voluntarily taken an immense burden on themselves, even under the humiliating circumstance of giving a sanction to all the extravagance of the two last centuries, and paying at this day, under the rigid economy of a republic, for those splendid palaces, gardens, and water-works, which insult the poverty of millions, and stare the nation in the face with the unpunished crimes of a race of execrated kings.

The act of the assembly declaring the church lands to be the property of the nation, the suppression of tythes and other feudal claims, have been often mentioned as violations of property. Those who really consider them in this light are weak men, or they have not examined the subject; those who persuade you to think so, without believing it themselves, are wicked men, and not to be trusted. As to the church lands, this act of the Assembly did not change the property of them at all. They belonged to the nation before. What the Assembly did, was to change the mode of paying the clergy, equalize their salaries, and reduce the number of ecclesiastics. That laborious and more useful class of the clergy, who before were starving upon a beggarly pittance, have had their salaries raised; that idle and overgrown class, who, without doing any duty, were living in the style of princes and tyrants, have been reduced to a moderate in-

come. All are now chofen by the people, and all paid by the nation. With regard to the feudal claims, they were founded in ufurpation. The landlords and nobles, to whom they were attributed, had no right to them or property in them, any more than the King of Sardinia has a property in you, or in the people of Jerufalem, of which he likewife ftyles himfelf King. Thefe feudal claims were mere badges of fervitude, which the eftablifhment of equal liberty and the abolition of hereditary titles rendered it neceffary to deftroy. The nation has in all inftances fhowed itfelf able to diftinguifh between the empty fuperftition of pomp, which ferves only to debafe mankind, and the folid principles of fociety on which the revolution is founded.

You have heard it likewife afferted that the French revolution has been marked with cruelty and murder. This is unfortunately true. But it has likewife been marked with treachery, with bribery, with perjury, with all the complicated wiles of expiring defpotifm. All the cruelty, all the crimes of every name or denomination, that have attended this revolution, have proceeded from royalty, the adherents of royalty, and the refractory priefts. The court of Verfailles had been for ages a fchool of falfehood and deceit; and the execution of the penal laws ferved as a public exhibition of torture, to familiarife the people

with the moſt ſanguinary puniſhments. If the court of Turin and the laws of Piedmont are any better, it is happier for you; you will have the leſs wickedneſs to combat in the courſe of your revolution. But I fear in ſome reſpects they are worſe. Theſe circumſtances in France had trained up in all parts of the kingdom a numerous claſs of men verſed in every art of treachery and perfidy. In this ſitution of things the great maſs of the people, who are naturally honeſt and good, ſet themſelves ſeriouſly to work in the buſineſs of the revolution; which might have been carried on with the greateſt harmony; as it had nothing in view but the welfare of the whole. But theſe deceitful men, being enemies of the revolution, and finding that they could not oppoſe it by open force, aſſumed the maſk of patriotiſm, and brought themſelves into places of truſt in every department of the legiſlative and executive power. The effect of this was that theſe good people found themſelves deceived and betrayed in every ſtage of their affairs, from the beginning of the revolution in 1789, till the tenth of Auguſt, 1792. Being ſurrounded by traitors, and not knowing whom to truſt even with the execution of their own vengeance, it was natural and ſometimes neceſſary that they ſhould aſſume this terrible taſk upon themſelves. In ſome inſtances indeed the popular vengeance has been ill directed, and has fallen on innocent heads. But theſe inſtances are rare. *

* *This was written previous to the eſtabliſhment*

The limits, I prefcribe to my letter, will not allow of my entering into details on a fubject fo intricate and extenfive. This, however, may be relied on as an undeniable truth, that nothing is more humane, generous and juft, than the general fpirit of the revolution; and whatever particular acts may feem to contravene thefe principles, thofe acts are chargeable upon its enemies, and not upon its friends.

But to arrive at the fubject the moft intereffing for your immediate confideration, let us follow the courfe of the revolution in a geographical fenfe, and pafs with it from France to Piedmont. The revolution in this journey has ftopped to winter in Savoy, from whence I write this letter; and before we mount the Alps, it is natural to make a paufe, to contemplate the country where we are.—Here is a people who lately made part of yourfelves, and who are now feparated from you, rather on account of their vicinity to France, than for any particular intereft different from your own. For, in the great caufe of liberty, the intereffs of all people are

of the Revolutionary Tribunal. *It is indeed to be regretted that that inftitution was deferred to fo late a period; as it was calculated to prevent a more tumultuous mode of exercifing popular vengeance. But it is more to be regretted that fuch a tribunal became neceffary at all, and efpecially that it has been fometimes ufed by the leaders as an inftrument of party rage, without an honeft regard to the good of the caufe.*

the ſame. It is the cauſe of tyranny that has made them enemies; it is the impoſition and falſehood of thoſe who would live on other men's labours, that have occaſioned all the wars of every nation in the world. The people of Savoy were certainly under no obligation to be governed by the King of Jeruſalem; tho' they had groaned under his yoke for many generations. Their late conduct in declaring their own ſovereignty and independence, aboliſhing hereditary titles, and eſtabliſhing a government of their own on the principles of equal liberty, is a ſubject which muſt ſtrike your minds in a very intereſting point of view. Your tyrants will repreſent it as a crime which ought to excite your indignation; and they will call on you to take arms and ruſh headlong into a deſtructive war, to aſſiſt them in reducing this country again to their obedience. They are now preparing their forces, augmenting their armies, borrowing money abroad, and extorting it from the hand of induſtry at home, for this deteſtable purpoſe. You are to be taken from your farms and your ſhops, and enrolled in the regiments of death. If you are unwilling to engage in this new kind of ſlavery, you are to be ſeized upon like ſo many felons, dragged from your wives and children, and tortured into diſcipline under the laſh of a military officer. Your families are to be left to periſh in poverty, while you perhaps are ſlaughtered in the field.

But before you ſuffer yourſelves to be driven to this deſperate buſineſs, I intreat you to reſort to your own reaſon, and exerciſe the right of judging for yourſelves. Conſider the nature of the enterpriſe, and the object you have in view. Who are the people on whom you are going to let fall this terrible ſtroke of vengeance? What is their crime? Are they not your brothers and friends? Have they not acted as you would have done in their ſituation? And ought you not rather at this moment to follow their example, than to be the inſtruments of their deſtruction and your own? Let us attend to this enquiry before it be too late.

The people of Savoy, as to their local poſition ſtand in the ſame relation to France as you ſtand in to Italy. They and you are poſted in the marches of theſe two great fractions of the Continent. As long as this part of Europe is governed by tyrants, perpetually contending for dominion on each ſide of the Alps, theſe poſitions expoſe you both to the inroads of all parties. You cannot avoid being inſulted by foreign armies in their paſſage through your country, although you have no intereſt in their quarrels. Your hiſtory is full of examples of this kind, from the days of Hannibal, down to that infamous war of the Spaniſh ſucceſſion, which involved your country in blood and held half Europe in arms for many years together; a war in which you

had no other concern, than that of being the victims of foreign disputes. The face of your country bears the insulting marks of this unfortunate position in which you are placed. It is covered with fortifications. As if nature had not thrown rocks and mountains enough in your way, you have been forced to create them by the hand of art, to encompass your towns with walls, and disfigure your fields with towers and castles. Your agriculture has been ill-conducted, your manufactures neglected; all the useful arts have been forced to yield to a general system of defence against the enemies of your neighbours, when you had no enemies of your own.

In this situation, what is to be done? You cannot change the position which nature has given to your country. Your only resource is to change the policy of Europe from war to peace. You are more peculiarly interested in the perpetual peace of Europe than any other people on earth. This is a weighty consideration, a truth which your tyrants cannot deny. It is the knowledge of this truth which has influenced the people of Savoy in their late change of government. It is in this point of view that they have contemplated the French revolution; with this view they have adopted it themselves, and wish to extend it to you, whose situation so nearly resembles their own. With this view you ought to wish to extend it to all the States of Italy, to Spain,

and to the circles of the empire, from whence it would travel through Europe and through the world.

The principles of this revolution are thoſe of univerſal peace; and it is impoſſible that it ſhould fail to produce the effect, becauſe it takes away every motive for national hoſtility, and teaches the people of all countries to regard each other as friends and fellow-citizens of the world. Eſtabliſh equal liberty among the people, and inſtruct them in the duties that ariſe from that ſituation, as the French are about to do; you will then find that the buſineſs of tyrants has ceaſed, and the race is forever extinct. Purge the earth of its tyrants, and it will no more be tormented with war.

The conduct of the people of Savoy in uniting themſelves to the French republic deſerves a farther conſideration. This was a meaſure incidental to their geographical poſition on the French ſide of the Alps; and the arguments which induced them to it, do not apply to you. It is probable that for the purpoſes of civil government you will henceforward be two diſtinct people. But this ſtep of their's cannot be conſidered by you as an act of hoſtility, or a breach of friendſhip. They are certainly not leſs your friends ſince they have ceaſed to be your fellow-ſubjects. It is an eſſential quality of a French citizen to be the friend of all people, eſpecially of thoſe in

his neighbourhood, whofe peace and happinefs will always be neceffary to his own.

The effence of tyranny is to counteract the economy of nature, the effence of liberty is to promote it. Nature has faid that the French and the Savoyards fhould be one people; but tyranny has faid that the Savoyards and the Piedmontefe fhould be one people. Confult your hiftory, and fee what torrents of blood have been fhed to cement this unnatural union. Come and view the condition of this unfortunate people; poffeffing one of the finefl countries in the world, and deprived of the means of improving it; fubjected for ages to a race of weak and impolitic princes, who, fixing their refidence on the other fide of the Alps, have paid no other attention to this part of their dominions, than to keep the people in poverty and ignorance, in order to fecure their obedience. A military force, fent from your country, has been maintained here to infult the peaceable inhabitants, by exercifing the police in every town and village. The Senate of Savoy, which was formerly a legiflative body, has been long fince reduced to the fimple functions of a judiciary tribunal, and its members appointed by the king. He has prevented the working of the mines of iron, lead and coals, with which the country abounds; he has prevented the eftablifhment of any one of the different manufactures to which the inhabitants are peculiarly invited

by the abundance of raw materials, by their numerous currents of water, by their vicinity to France, and the convenient navigation of the Isere and the Rhone; he has discouraged their agriculture by the shackles he has laid upon their commerce, even in the interior of his own dominions; for the trade between Piedmont and Savoy has been subjected to the same pernicious regulations and impositions which exist between rival nations among the most jealous despots of Europe; he has interposed his authority between parents and the duties they owe their children, by discouraging the education of youth, so far as to oblige those who are designed for the learned professions to perform their studies at Turin. *

D

* *There are in Savoy six different colleges of education, which have existed for several centuries, and have been exclusively appropriated to those studies which have been known in Catholic Europe by the name of Theology. This was a necessary precaution of the government; as, without distributing these institutions in all the principal towns, and rendering this sort of instruction easy and cheap, it would have been impossible to have initiated a sufficient number of men to keep the people in that state of ignorance which was necessary for their continuance in slavery.*

Within a few years there has been established in the college of Chambery a professorship in law, and another in medicine, but under this restriction, that two

It would be tedious to recount to you all the inſtances of folly and cruelty exerciſed by your government againſt the people of this country. One general complaint, which appears to be well founded, is, that all your kings, eſpecially the one from whom they have now revolted, have ſhown an humiliating diſtinction in their treatment of you and them. The Savoyards have been treated as your ſlaves, as well as the ſlaves of your common maſter. Their hard earnings have been drained from them, to increaſe the wealth and population of Piedmont. You muſt obſerve, however, that this was not deſigned as an advantage to you, neither has it been ſo in fact. It was done to facilitate the collection of the king's revenue. You have been made the inſtruments of drawing money from theſe people, for no other reaſon than that it was more eaſy to draw it immediately from you, than from them, by the tyrants of Turin.

The condition of theſe people was perhaps no worſe than yours. You have in your country more wealth than they, but you have infinitely more of real indigence. You were both taxed as high as you could bear *; and

years reſidence here ſhould be reckoned for one year at the univerſity of Turin. And no man could practiſe law or medicine within the king's dominions, until he had taken his degrees at Turin.

* *The population of the principality of Piedmont is reckoned at four millions. The amount of the*

your taxes were impoſed in the moſt arbitrary manner. The King could augment or vary them any day at his pleaſure. The Savoyard was poor, but he was not miſerable; he was not inſulted by the diſplay of luxury paſſing before his eyes, though he was ſenſible that he ſupported a ſet of infamous courtiers beyond the mountains, who riot on the labours of mankind.

public revenue ariſing from that principality is only 22 million livres of Piedmont, equal to £ 1,100,000 ſterling, forming an average of 5s. 6d. a head. This is excluſive of dimes *and other eccleſiaſtical taxes, which anſwer to the tythes and poor-rates in England. The public taxes in England, excluſive of theſe, form an average of about 55 s. a head. Yet the people of Piedmont are, if poſſible, more diſtreſſed with taxes than the people of England; although their ſoil is naturally more fertile, and their country more abundant in materials for manufactures. Their ſituation indeed is not ſo favourable for commerce, but it is not unfavourable. By this compariſon we may judge of the cruel, uncreating influence of a government which can ſo completely deſtroy the native energy of man.*

The Duchy of Savoy, whoſe population is 424,000 uſed to pay annually into the treaſury at Turin about three million livres of Piedmont, equal to £ 150,000 ſterling. This was the utmoſt that the hand of deſpotiſm could collect from a people whom it deprived of the means of improving the advantages which nature had given them.

The effect of tyranny has usually been to vitiate the morals of society, and destroy that energy of mind which is natural to man in a state of freedom. The people of Savoy exhibit a remarkable exception to this rule. They retain a singular purity of morals, and a firmness of character, which the weight of a long and complicated tyranny has not been able to debase. They have long witnessed the vices and endured the injustice of their masters, without learning to be vicious or unjust. They have felt the inconvenience of that unnatural combination of things which cut them off from the country to which they really belonged, and bound them to a distant lord. But almighty liberty has at last dissolved the chain, and restored them to nature and to France.

The moral character of this people, which renders them so worthy of our esteem, has likewise fitted them for the enjoyment of the liberty to which they have been so suddenly born. No people, rising at once from slavery to a state of equality and independence, ever conducted themselves with so much dignity and moderation. They rose, like the infant Hercules, to the vigour of manhood in a single day. They showed themselves masters of the whole system of government, the moment they became masters of themselves. They have committed no blunders; they have taken no retrograde steps; they have lost no time in idle disputes, and useless etiquette. Their

National Aſſembly, which was the firſt repreſentative body that ever was heard of in the country, and conſiſted of ſix hundred and fifty members, organiſed itſelf and finiſhed its ſeſſions in nine days ; during which time it did more buſineſs than any body of men under like circumſtances could be expected to perform in ſo many months. But there is one fact more remarkable than all the reſt, a fact which hiſtory will announce to the admiration of the lateſt ages : the revolution in Savoy has not yet coſt a ſingle drop of blood. It has been attended with no acts of violence, no tumultuous meetings, no neceſſity for the intervention of military force. The force of reaſon has conducted the whole operation ; and the ſacred energy of liberty has proved itſelf to be the ſource and guarantee of the moral attributes of man.

Such is the condition of this reſpectable people ; and ſuch is the point of view in which you are to conſider the late meaſures they have taken to reclaim and ſecure their rights. From this conſideration you will naturally turn your attention to yourſelves, and contemplate the duties you are called upon to perform. For the time is faſt approaching when you can no longer be the idle ſpectators of the triumphs of liberty. Although the revolution in Savoy is hitherto free from the violence of war, it depends on you to ſay whether it ſhall coninue ſo to the end of another year. It is in

your power at this moment to declare that the Alps ſhall never more re-echo the ſound of a cannon, nor their majeſtic ſtreams be ſtained with human blood. Your deſtiny calls you either to pronounce the ſentence of miſery and ſlaughter upon thouſands of yourſelves and of your neighhours who will follow your example, or to declare the immediate emancipation, peace and happineſs of all the States of Italy.

This is doubtleſs a ſerious commiſſion, as it renders you reſponſible for the fate of ſo conſiderable a portion of your fellow-creatures. But obſerve the limits as well as the extent of your power. Though you hold the balance of great benefits and of great diſaſters, which the preſent ſtate of affairs is ready to offer to your country; though you are able by the aſſiſtance of France to riſe as one man and reclaim your own ſovereignty, eſtabliſh your own liberty and provide for the future tranquility of this part of Europe; though by a contrary conduct you may fight the battles of your tyrant againſt the friends of your peace; yet remember, you cannot long impede the progreſs of liberty. Her cauſe is that of reaſon and of God; ſhe will not liſten to any capitulation with deſpotiſm; the monſter muſt be driven beyond the Adriatic, and baniſhed from the face of the earth. Italy muſt be free; ſhe cannot wear her chains much longer; it would be glorious for you to

be the firſt in this regeneration of ſociety in that ancient garden of the world. Such a meaſure would be an example of virtue to your children, a conſolation to the ſhades of your anceſtors, who for a long ſucceſſion of ages have paſſed away in the clouds of prejudice, without knowing the means of happineſs, or perceiving the dignity of man.

Your king has joined the coalition of deſpots againſt the people of all nations. Their arms are directed againſt France; but their hoſtility is really againſt their own ſubjects. What cauſe of quarrel had the King of Hungary, or the Elector of Brandenburg with the people of France? None. Their jealouſy was againſt the people of Hungary, of Auſtria, of Brabant, and of Brandenburg. They ſaw that theſe nations were about to reclaim the rights of man and to caſt off the yoke of oppreſſion, as the French had done. They, therefore, to retain their unjuſt power at home, concluded that it was beſt to ſtrike the revolution at its root, and conquer Germany in France. They knew, if they could ſubdue the French, and completely vanquiſh the ſpirit of liberty in that country, that all the people of Europe would ſhrink beneath their chains, and their maſters might probably ſleep upon their thrones for another half century.

Such was the policy of your maſter. You cannot ſuppoſe that, as King of Jeruſalem or

Prince of Peidmont, he had any ground or colour of dispute with the French nation. That nation had no concern with him, nor with any part of his dominions. They were occupied in their own affairs, at peace with all the world, and declared that they meant to remain so. He entered into the war with them for no other purpose but to keep you in subjection. The war was against you, and is still to be carried on against you the next campaign. He intends to make you his soldiers to fight his own battles against yourselves, although he orders you to point your cannon against the French.

This is the true state of the case. The whole of this war on the part of your monarch is maintained by deceiving you. Indeed the whole business of monarchy is deception; kings must govern by deception, as long as they govern at all; for it is impossible for one man to tyrannise over a whole people, but by deceiving them. I have no particular dislike to your king, any more than to all others; he is probably no worse than kings in general. They hold an office that is perfectly useless in society, and exceedingly destructive to the peace and happiness of mankind. In this view they ought to be detested by every man, and rejected by every nation.

France has been forced into the field, to encounter this infamous combination of robbers, this war of all crimes against the prin-

ciples of all virtue. She has undertaken the defence of human nature. She has aſſumed a new kind of tactique unknown to the art of war, and irreſiſtible to the armies of kings. She has armed herſelf in the panoply of reaſon; her manifeſto is the rights of man, her ſword the pledge of peace. In this ſpecies of warfare we need not be aſtoniſhed at her ſucceſs. What people can reſiſt the hand that comes to break their chains? The armies of liberty are every where triumphant, while their ſtandards are ſcarcely ſtained with blood. Victory completes her work, before they arrive to celebrate the conqueſt; and the entrance of the French troops into the conquered country is regarded by the people rather as the proceſſion of a civic feaſt, than as the dreaded violence of war. Their general, inſtead of puniſhing the new recovered citizens with confiſcation, impriſonment, and death, meets them in their Jacobin ſocieties, and invites them to form their primary aſſemblies. The forts and garriſons which he erects to ſecure his conqueſts, are printing preſſes and reading clubs.

Such is the war in which the illuſtrious monarch of Turin is engaged. Theſe are the armies he expects you to encounter in the field. If you wiſh to know in what manner the combat ought to be conducted, you may learn it from the people of Savoy, whoſe example in this reſpect, as in many others, is

worthy to be followed by every nation. You may learn it likewiſe from the people of Nice, from thoſe of Hainault, Flanders, Brabant, Malines, Antwerp, Guelderland, Namur Liege, Spires, and Mayence; all provinces, principalities, or independent ſtates, conquered to liberty within the laſt three months. As I have kept no complete regiſter of theſe conqueſts, perhaps the above liſt may be incomplete. But it matters not; if it were complete for to day, perhaps it would not be ſo for to-morrow. This advice is intended for the inſtruction of the people; if your king ſhould deem it inconſiſtent with his warlike character to follow the ſame advice, he can take a leſſon from the battle of Gemmappe.

The French army deſtined for your deliverance will probably not paſs the Alps till the ſpring. You have the remainder of the winter to deliberate on the part you have to act. You can by that time decide whether you will receive them as enemies or as friends.—In the latter caſe, you have only to ſtudy the principles of republican government, ſend away your tyrants, and prepare yourſelves to give leſſons of liberty to all the Italian States. The troops of Auſtria, which are now about to enter your territories from Milan and Tuſcany, under pretence of aiding you againſt the French, will flee before them, as they have done in the Low Countries, the moment you

manifeſt your intention of doing your own buſineſs in a peaceable way.

But, after a due conſideration of the circumſtances which I have endeavoured to detail, ſhould you conclude to regard the French people as your enemies, and to meet their armies in the field, I ſhall tremble for the conſequences of your unfortunate deciſion. Thouſands among you muſt fall the victims of the infamous cauſe of your tyrant, which cannot be ſupported. On that day, I beg you would call to mind the honeſt advice of a ſtranger, who now ſpeaks to you the words of truth; who has been a ſteady obſerver of the riſe and progreſs of liberty in America and in France; and, who, from theſe advantages is able to eſtimate the force of its principles, and predict the triumph of its arms.

I adviſe you above all things to be cautious of the troops in the pay of Auſtria, who are marching to join your army. You cannot be ſo blinded by your leaders as to ſuppoſe that this band of ruffians is brought into your country to render ſervice to you. They are deſigned to keep you in ſubjection, and to take from you the freedom of your choice in the great queſtion, Whether you will adopt the principles of the French revolution? They will be poſted in your rear, to act againſt you, if you ſhould refuſe to act againſt the French. Your poſition may ſeem a critical one, placed in the interval between two contending pow-

ers; but, remember that one is an army of freemen, the other a horde of ſlaves; on one ſide is the permanent force of a nation, whoſe means are inexhauſtible, on the other the accidental hireling of a deſpot whoſe ſceptre is falling from his hands; from one you have the offer of equal liberty and perpetual peace, from the other a continuance of your ſlavery, augmentation of your burthens, and a certainty of future wars.

Italy is deſtined to form one great republic. The boundaries which nature has given it are peculiarly ſuited to this purpoſe; and as long as we follow nature, in politics as well as morals, we are ſure to be in the right. Politicians, who have not well conſidered the effects of liberty, are alarmed at the extention of the French republic, fearing it will become too powerful for its neighbours. For this reaſon the union of Savoy is mentioned as a ſubject of jealouſy to other nations. The enemies of your liberty will not fail to make uſe of this circumſtance to excite your fears and provoke your reſentment. Men who reaſon in this manner have formed their maxims on thoſe deſpotic ſyſtems of government to which they have been accuſtomed. They are maxims which can no longer apply to nations, when maſters of their own actions, and at liberty to govern themſelves by the collected wiſdom of the great body of the people. A nation in this condition will never diſturb the

peace of its neighbours in any manner whatever. Its intereſt, on the contrary, will be to promote the peace and proſperity of every country in the world.

When a nation is governed by one man, like Piedmont, or by a few families, like the ancient ariſtocracy of Rome, and ſeveral modern ones in Italy, the intereſt of thoſe who govern, is to extend their dominions; becauſe it augments their perſonal revenue and adds to the weight of their influence over the people, whom they conſider as their property.—For this reaſon they make war; for this reaſon they form treaties of alliance to guarantee each other in their conqueſts, and in the property which they have in the people.—In purſuance of this policy, the Prince of Piedmont, in the courſe of that long Spaniſh war which I have mentioned, purchaſed with the blood and treaſure of your nation, the title of King of Sardinia; and at the cloſe of the war, he obtained from the Houſes of Auſtria and Bourbon, and from the King of England, a guarantee of the poſſeſſion.

It is eaſy to conceive that a ſyſtem of robbery and murder of this kind, carried on thro' all Europe for centuries together, muſt be reduced to ſome certain rules. Theſe rules by a miſapplication of terms, are called the *law of nations.* * It is rather the law of deſpots,

* *We may hope ſoon to ſee the* law of nations *eſtabliſhed on different principles; that is, on principles*

who know no law but their own fears. It has likewiſe been neceſſary to eſtabliſh ſome general ideas of what is called the *balance of power* among the ſtates of Europe, requiring that each ſtate ſhould be reſtrained to certain fixed limits. On this principle, when any particular power endeavours to extend its limits, it is natural to tax that power with ambitious views, and to regard it as an object of jealouſy. This reaſoning is perfectly juſt when applied to regal and ariſtocratical dominions; but under the reign of liberty the argument has loſt its ground; dominion itſelf is at an end; all the technical terms in the ſcience of politics have changed their meaning; and as we muſt begin the ſcience anew, it is to be regretted that we are not furniſhed with new words, to expreſs our ideas with more preciſion than we can with the old.

If all the nations of Europe were as free as the French, and every individual member of ſociety were equally independent of every other individual, the queſtion reſpecting the boundaries of any particular government would become in a great meaſure indifferent, both to the people of that government and to all their neighbours. No perſon would have any intereſt in extending or contracting the

as different from what it has been, as the intereſt of nations is different from that of thoſe perſons who have uſually governed them.

territorial limits of a ſtate. They would be eſtabliſhed purely on the principle of convenience for the adminiſtration of the interior concerns of the people, and by the free conſent of all parties. And whenever it ſhould be found more convenient to change them, they might be extended or contracted on the ſame principle, without injury to any perſon, and without exciting the jealouſy of any nation.

I could cite you many inſtances from the United States of America, in which this theory has been carried into practice; which would prove to you that the doctrine I here advance, as one of the effects of liberty, is not chimerical. But an inſtance more ſtriking to you, and which will form an epoch in the hiſtory of Europe, is the conduct of the National Convention of France on the propoſition of Savoy to be united to that republic. Here we ſee a ſovereign people, uninfluenced by any fears, hopes, or connections from abroad, deliberating in the moſt ſolemn manner, whether they will extend their territorial boundaries, by the admiſſion of ſeven new provinces, inhabited by four hundred thouſand freemen who had ſent their deputies to ſolicit an union. * To raiſe a queſtion on a

* *The ſeven provinces which formed the Duchy of Savoy, now united to France, under the name of the department of* Mont Blanc, *were Savoy proper, Genevois, Carouge, Chablois, Fauchigny, Tarentaiſe, and Maurienne.*

propoſition of this kind is certainly a new thing in politics. Louis XIV. would have carried on a war for half a century, and ſacrificed twice that number of his own ſubjects, to have made ſuch an acquiſition to his dominions. But the members of the Convention who deliberated on this queſtion had no perſonal intereſt to ſerve, no ambition to gratify. It was merely a queſtion of national convenience, whether the frontiers of the republic ſhould remain fixed on the limits of Dauphiny and Lyonnois, or be extended to the Alps which appear to be the natural boundary of France.

The latter opinion prevailed; but it was rather on account of the preſent circumſtances of Italy than of France. Italy is ſtill governed by deſpots; and it is to be expected, that as long as they remain in power, they will continue the war they have undertaken againſt the French. To prevent their incurſions, it was neceſſary to oppoſe them the barrier of the Alps. But if Italy were as free as France, all cauſes of hoſtility between them would be for ever removed. It would be ſcarcely poſſible in the courſe of human events, that they would ever more have any ground of contention. In that caſe it would be perfectly indifferent, as to perſonal intereſt, both to the French and the Savoyards, whether they ſhould form one people, or two, or ten.— And whatever reſolution they ſhould take, as

moſt convenient to themſelves, would never excite your jealouſy or reſentment.

No people has more to gain by this pacific ſyſtem than thoſe of Piedmont. You inhabit a fertile country, productive of all the moſt neceſſary articles of life ; ſeveral of which are in great demand among your neighbours. All that is wanting to render you happy is to be maſters of the fruits of your own labours at home, to be ſecured againſt war, and to have a free circulation of the objects of commerce.

Theſe three things are now within your reach ; they would follow as a neceſſary conſequence of adopting the principles of the French revolution, and eſtabliſhing the liberties of Italy.

With the moſt ardent wiſhes to render you ſervice, in the preſent ſolemn criſis of your affairs, I have written you this letter. If it ſhould anſwer no other purpoſe, it will at leaſt ſerve as a teſtimony to my conſcience, that I have endeavoured to do my duty, and to merit the title which I claim, that of your ſincere and diſintereſted friend,

Joel Barlow.

A few Copies of the following Works may be had of the Publiſher of this Pamphlet, which comprehend all Barlow's Writings on Political Subjects.

ADVICE TO THE PRIVILEDGED ORDERS in the ſeveral States of Europe; reſulting from the Neceſſity and Propriety of a general Revolution in the Principles of Government, as it will Effect the following principle Objects, which make up the Affairs of Nations in the preſent State of Europe, viz. The Feudal Syſtem—The Church—The Military—The Adminiſtration of Juſtice—Revenue and Public Expenditure.

The 2d Part of the above Work is printed in a ſeparate Pamphlet, and treats entirely on Revenue and Public Expenditure. In which the various Modes of collecting Revenue by Impoſt, Exciſe, and Taxation on Property are impartially examined.

A LETTER to the National Convention of France on the Defects of the Conſtitution of 1791.—Many of the Obſervations in this Letter are peculiarly applicable to the Conſtitution of of the United States.

THE CONSPIRACY OF KINGS—A POEM.

To every Perſon of diſcernment, who has Read the foregoing Letter to the Inhabitants of Piedmont, any Encomiums on the other Writings of the Author will appear unneceſſary.

TWO LETTERS

TO THE

CITIZENS OF THE UNITED STATES,

AND ONE TO

GENERAL WASHINGTON.

WRITTEN FROM PARIS IN THE YEAR 1799,

ON

Our Political and Commercial Relations.

By JOEL BARLOW.

From Sidney's Press, New-Haven.

1806.

PREFACE

OF THE CONNECTICUT EDITOR.

THE following Letters were written in the time of terror. And although they went through ſeveral editions in Philadelphia and in the Southern ſtates, as well as in England and France, they never found their way into Connecticut. No printer, at that time, would venture to publiſh them here. Such was then our liberty of the preſs, and ſuch our candor in refuſing to hear a man whom our tories thought proper to condemn for adhering to thoſe ſolid principles of liberty on which all our political inſtitutions were founded.

Mr. Barlow was volunteering in the moſt important ſervices of his country abroad, while his former friends and companions were reviling him at home. He was laboring with all his influence to prevent a war with France; or he was riſking his life in the midſt of a diſolating plague at Algiers, to riſcue our citizens from ſlavery and death, at the ſame time that the royaliſt faction, who were then in poſſeſſion of the government of this country, were employed, with a meanneſs and cowardice worthy of their cauſe, ſome in forging and publiſhing the vileſt calumnies againſt him, and ſome in making laws to entrap him on his return to his native country. He was one of the objects of that memorable act of Congreſs impo-

ſing penalties on any private citizen who ſhould dare to hold any converſation with any foreign prince, government, or miniſters, on our political relations with them.

Happily for his country, his diſregard of that formidable effort of legiſlative imbecility ſaved her from a war with France. The fraudulent and hoſtile conduct of our government toward that nation had excited a ſpirit of vengeance, which to a certain degree was certainly juſt, but which was ſwelling beyond due bounds; and had fallen heavily on our commerce. It is well known that his exertions had a much greater effect in healing the rupture between the two countries than thoſe of the ſix Ambaſſadors who were ſent in two triplicate aſſortments, for that purpoſe.

The public well recollect his famous letter to Mr. Baldwin; which was intercepted, mutilated and publiſhed. It was full of weighty and galling truths. They will alſo recollect the uſe which the Pickering faction made of that letter, to throw the country into a flame. It was that publication, and the clamor it excited, that occaſioned theſe two addreſſes to his fellow citizens. We now publiſh them for the firſt time in this his native ſtate; and we beg our countrymen to read them; this is all we aſk. They require no commendation; they admit of no comment.

People of Connecticut, men of all parties, ancient ſchool fellows, former friends and preſent calumniators of Joel Barlow, read theſe letters; then call him jacobin, infidel, democrat, whatever you pleaſe; he will force on you the conviction

that he is a wiſe and virtuous man. You will recognize in him the ſame dignified and amiable companion you once loved; the unchangable friend of his country, the moſt zealous and able defender of her rights.

If you find between him and you a difference of principle that did not formerly exiſt, it is yours that has changed, and not his. If in all the heavy volumes that load your ſhelves, on the "*defence of the American conſtitutions*," you find enough of ſolid matter to balance a dozen pages of this pamphlet, return the pamphlet to the bookſeller, and he will return your money. And if you find a legiſlator, or a magiſtrate who ſhall read theſe addreſſes, and not grow wiſer and better for the reading, truſt him no longer; he is unfit for his place; being unable, from his prejudices, to diſcern the truth.

LETTER I.

On the system of policy hitherto pursued by our government.

Paris, 4 March, 1799.

Fellow Citizens,

SINCE your commercial intercourſe with this country has been ſuſpended, and the produce of your labor arrives at market by a double voyage, as it uſed to do when we were Britiſh Colonies, I rarely ſee an American News-Paper. It was only yeſterday, that a writing, ſaid to be a Letter from me to a member of Congreſs, dated in March 1798, came into my hands. I have it in a Boſton paper, called the *Centinel*; and, by ſome obſervations of the editor, I perceive that the authorſhip, a circumſtance very trifling in itſelf, has occaſioned doubts and diſputes. The general opinion that it is mine, has been queſtioned by ſome perſons who expreſs a tenderneſs for my reputation; for which I will certainly thank them, whenever they will convince me of the morality of their motives. Both opinions in this caſe are partly right, and both partly wrong. *Truth lies between*, as it often does in queſtions of more conſequence than the preſent.

I did write a Letter to a member of Congreſs in March 1798, to which the publication in queſtion bears a ſtrong reſemblance. Indeed the political caſt and general complexion of my Letter are eaſily recogniſed in this; but every part of it is mutilated and diſtorted more or leſs. There is not a paragraph without ſome omiſſions, additions or changes, which in ſome places give a bitterneſs to party invective which I did not mean; in others, deſtroy all meaning, and render me unintelligible; and in others, vulgariſe the ſtyle, vitiate the grammar, and make the phraſes ridiculous.

I know not by what means, nor for what purpoſe this Letter has been intercepted, metamorphoſed and publiſhed. I pretend not to ſay there was any intention of doing an injury to me or to my friends. The haſty manner in which a copy may be ſuppoſed to have been taken, if done by ſtealth, and the number of preſſes and hands of ignorant editors which it has probably paſſed through, might perhaps be ſufficient to account for the variations, were it not that they are uniformly againſt me,—that is, againſt that calmneſs of temper, dignity of manner, purity of language, and delicacy of political or perſonal animadverſion, which I wiſh to preſerve. The Letter was written in great haſte, addreſſed to a very particular friend, and confined to a channel of conveyance which I thought uncommonly ſafe. It may be ſuppoſed therefore to have been penned with a careleſſneſs and freedom which would admit of corrections or alterations in favor of method and moderation. And there is reaſon to ſuppoſe that ſome at leaſt of

the alterations it has undergone would have been on that ſide, had they been the effect of chance, or even of ignorance.

But the ſubſtantial character of the Letter, ſo far as it reſpects my opinions on the ſyſtem of policy purſued by our Executive towards France and England, during the period to which it relates, muſt anſwer for itſelf. I ſee nothing in them to retract or correct. Though I always reſerve to myſelf the right of changing my opinions, as every man who is not omniſcient muſt often have occaſion to do; yet on this ſubject I have not changed them during the laſt year. It is my belief that it would coſt you dearer even now to ſettle your diſpute with France, than it would have done (had your negociations been properly managed) at the time I wrote that Letter. How much you have unfortunately ſuffered from the piracies carried on under the French laws ſince that period, you can doubtleſs determine better than I: and what will be the final expenſe of the negociation, thoſe only will be able to decide who ſhall live to ſee it.

Thus much for the ſentiments originally contained in that Letter. I will now rectify one or two miſtakes, which I have obſerved in the American papers, relative to the circumſtances under which it was written.

Firſt: It is ſuppoſed by ſome, who do not reflect on the chronology of dates, that I was knowing to the attempts which had been made here to extort from our commiſſioners a bribe to individuals, and a promiſe of a loan to the government. They imagine that I wrote under this impreſſion.

and conſequently approved the meaſure. I believe that not the moſt diſtant hint of either of theſe baſe attempts was known, or whiſpered (beyond the circle of thoſe perſons mentioned in the diſpatches) until their publication in Philadelphia; which happened to be on the ſame day, that my Letter was dated in Paris.* The printed diſpatches arrived here in May; and no man in America could feel a greater indignation than I did, at the piece of villany therein detailed; though I am far from thinking that a proper uſe was made of the circumſtance either before or after it was communicated to the American government.

The diſpatches of general Pinckney, alluded to in my Letter, were not thoſe of the three commiſſioners, as ſuppoſed by the *Centinel*, but were dated the year before, and were the fruits of his former embaſſy.

Secondly: Had that Letter been deſigned for publication, I ſhould not have left it open to criticiſm in another point more remarkable than the one above noticed. In reviewing the errors of the American government, I there made no mention of the French; and it has been concluded, from this omiſſion, that I approved the conduct of the latter;—that I ſaw nothing wrong in that monſtrous ſyſtem of piracy and plunder exerciſed towards neutrals;—indeed, I am ſuppoſed to have reliſhed all the horrors that have attended this tremendous revolution. God forbid that I ſhould loſe my ſenſes to ſuch a degree! I have not only diſapproved the innumerable acts of injuſtice and

* 4th of March, 1798.

violence committed under the order of the 2d. of March 1797 and the law of the 18th. of January 1798, but I have uniformly remonſtrated, with as much force as an individual of little influence could do, againſt that order and that law, and againſt the general current of reſentment which has marked the meaſures of this government towards that of the United States, ever ſince the ratification of the Britiſh treaty. This reſentment has appeared to me far greater than the occaſion would juſtify; and I have not failed to enforce this opinion wherever I thought it could be uſefully done. But *Paris* is the place where it is proper to point out for correction the errors of the French government; and *Philadelphia*, thoſe of the American. My friend was in Philadelphia. My Letter was written with the ſimple hope of doing ſome immediate good; not with a deſign of tranſmitting hiſtory to future ages. Where then would have been the uſe of ſwelling it with a liſt of blunders which might have been diſcovered on this ſide of the queſtion? blunders, or *crimes* if you pleaſe, which no man of candor will deny; but on which his ſilence ought not to be conſtrued into approbation. You might as well ſay that I believe in the doctrines of Mahomet, becauſe I do not go out of my way to refute them.

We are ſo conſtituted, and circumſcribed in our powers of action, that moſt of the good or ill which we do in the world is the reſult of circumſtances not always in our power to control. Whoever will give himſelf the trouble of obtaining a competent knowledge of the French revolution, ſo

as to be able to judge it with intelligence, and weigh the infinite complication of difficulties and incentives to ungovernable paſſions that have lain in the way of its leaders, muſt indeed be ſhocked at their follies and their faults; but he will find more occaſion to aſk why they have committed ſo few, than why they have committed ſo many. A ſtate of political inſanity is not at all inconſiſtent with the ſituation in which they have been placed by the irreſiſtable force of circumſtances. And there are caſes in which we ought to applaud men for the miſchiefs they have not done, as well as to ſearch excuſes for thoſe they have brought about.

I am ſenſible that, in your view, the wrongs committed by the French towards the United States are leſs excuſable than thoſe towards other nations. You form this opinion not ſo much from national prejudice, as from a conſciouſneſs of the purity of your own intentions in your conduct towards this republic; from having felt a general friendſhip to her cauſe, and not perceiving a ſufficient ground of complaint on which her reſentment can be founded. But you are not to learn that jealouſy is one of the ſtrongeſt and blindeſt of the human paſſions; and I believe you will be convinced that the facts hinted at in my Letter, viewed through the miſt of jealouſy that had conſtantly ſurrounded the leaders in the revolution, could not fail of producing effects ſimilar to what we now deplore.

No! my fellow citizens: I have too high a ſenſe of juſtice and the rights of nations, to ſanction maritime plunder from any quarter, or even to approve the leaſt reſtriction on trade. A per-

fect liberty of commerce is among the moſt indubitable rights of man ; and it is the beſt policy of nations. The eſtabliſhment of this principle alone, with proper meaſures to preſerve it, would have a powerful tendency, if not an infallible effect, to maintain a perpetual peace between countries ſeparated by the ocean. The oppoſers of this branch of liberty, who do it from reflection, are not only the enemies of America, but they are the abettors of injuſtice, and the foes of humanity. They ſtrive to perpetuate a ſyſtem of war, of public devaſtations, private rapine, fraud and cruelty, which diſturb the tranquility of ſtates, diſcourage honeſt induſtry, and blacken the character of man. Thoſe who oppoſe it through ignorance, and at the ſame time aſpire to the taſk of adminiſtring the government of a free people, ought to be ſent back to ſchool, and there taught the rudiments of the ſcience which ſolicits their ambition.

Poſſeſſing theſe opinions, and ſeeing America move nearer to this principle than any other nation, how is it poſſible that I could approve the blind policy of European plunder, or look with indifference on the tyranny of the ſeas ? From the time when your firſt veſſel was taken by the Engliſh at the beginning of the preſent war, I expected to ſee ſome of your great men in power come forward with ſomething luminous on the rights of nations relative to trade. From the reputed wiſdom of America I expected to ſee Europe at laſt enlightened on a ſubject of ſo much importance to the human race. In addition to the freedom of your conſtitution, I conſidered you as poſſeſſing

two ſingular advantages for the attainment of this great object. 1ſt. Nature had placed a wide ocean between you and thoſe nations to which your commercial intercourſe extended. And you had not, or ought not to have, any other political intercourſe abroad, but what relates to commerce. 2d. From the nature of your trade and the conſtant reſult of your accounts current, you are always indebted to thoſe nations in ſums amounting from 15 to 30 millions of dollars. This ſtate of your accounts was not confined to England. It extended (before the preſent war) to thoſe other countries whoſe manufactures you were in the habit of importing; and to France and Holland in as high a proportion, compared with their manufactures imported, as to England.

The firſt of theſe advantages, being a ſufficient bulwark againſt attacks by land, ſecured you from the political ſquabbles of Europe; leaving you vulnerable only in your commerce. The ſecond furniſhed you, in your commerce itſelf, with a moſt powerful weapon of defence. The Engliſh began to plunder you in the year 1793, in a manner totally unprovoked, and without even a pretext. Here was an occaſion which called for the talents of your leaders, and invited them to uſe with dexterity this weapon, which was the moſt legitimate, the moſt pacific and the moſt effectual that was ever put into the hands of any government. But inſtead of this, an embaſſy is diſpatched to London, to reſign this precious weapon, the only infalliable one you had, into the hands of the Britiſh king; and this for no other

reaſon than for fear that a future Congreſs and another Executive might uſe it. Your ſituation, though new to you, was not difficult nor delicate; it required a declaration of neutrality, a ſolemn declaration and definition of the rights of neutrality, and a notification of your intention that all property taken unjuſtly from your citizens by any power at war ſhould be compenſated by ſo much property of the ſubjects of that power found within your jurisdiction, whether in the public funds or in the hands of private debtors. There is nothing unjuſt or immoral in this mode of proceeding. The aggreſſion would be on the part of the foreign power; you compenſate your own citizen, and leave that power to compenſate hers; and if ſhe does not do it, the injuſtice is on her ſide, both as firſt aggreſſor and final delinquent. If ſhe makes the compenſation ſhe will not be likely to repeat the offence, becauſe it would be an expenſive buſineſs; if ſhe refuſes compenſation, ſhe will ſoon be brought to reaſon by the clamours of her ſuffering ſubjects. England in ſuch caſes, would not fail to do you juſtice: and that on the only principle you can count upon with certainty from any foreign nation, an attention to her own intereſt.

Let it not be ſaid that ſuch a ſyſtem of policy would prevent our merchants from obtaining ſufficient credits abroad for all the uſeful purpoſes of commerce. Or if any perſon is really of that opinion, I deſire him to viſit Mancheſter and Birmingham, and ſee whether he can paſs through thoſe towns without being ſtruck with the wonder-

ful facility of obtaining credit; and without being beſieged for orders by rival houſes on almoſt any terms. Let him then travel in Germany, or in any part of Europe, and obſerve the quantity of riders for Engliſh manufacturing houſes, who are hawking their ſamples of goods, and offers of credit, in every corner of the continent.

I am ſenſible that I might ſtrengthen this part of my argument, in the minds of ſome readers, by adopting a prevailing opinion, that the facility of obtaining private credits abroad is of no ſervice to our country. But I do not partake this opinion. I believe that ſuch credits are of ſervice; and that the Engliſh trade in particular is highly beneficial to the United States, in an agricultural and economical point of view; but more eſpecially as furniſhing a ready inſtrument in the hands of American debtors, to be held up by our government in terror to one of the moſt quarrelſome States of Europe.

But it is ſaid to be *diſhonorable* to reſort to the ſequeſtration of private property as a compenſation for public wrongs. Alas, when are we, poor children of feudality, to obtain proper ideas of honor, or of any other of the moral ſentiments! What can be more honorable in a government than to prevent the occaſion of wars, protect the works of peace, encourage honeſt induſtry, and induce foreign powers to hold a ſteady check on the licentiouſneſs of private violence, ſea robbery, murders, and other cruelties, which attend the conſciouſneſs of maritime ſuperiority in ſome of the nations of Europe? Such being the object, and

this object being at leaſt an honorable one, let us examine the means here propoſed, and compare them with thoſe which are commonly reſorted to ; for which we find plenty of precedents, and therefore have not been told that they are diſhonorable. After ſpoliations have been committed on the property of individuals, and you have made ſufficient and ineffectual remonſtrances to the government of the offending party, I ſuppoſe none will deny that it would be honorable to fit out armed veſſels and make repriſals on the property of the nation that has committed the violence. But what is this but ſequeſtring private property ? The only difference in the two caſes is that the latter is attended with great expence to yourſelves, leads to battles, homicides, cruelties, and a ſurpluſage of plunder, which generally bring on a war ; whereas the former is a calm, unexpenſive proceeding, which gives you your compenſation by weight and meaſure, excites no ill blood, and can never, of itſelf, become a pretext for a continuance of hoſtile meaſures on either ſide. Take another compariſon : it is not uncommon to lay embargoes, and to ſequeſter embargoed property, to compenſate for injuries ſuſtained. This indeed is attended with leſs expence, and leſs bullying and battling, than repriſals made at ſea ; and therefore it may be thought not quite ſo honorable ; but it is allowed. And what is the difference between this mode and the one of requeſtring debts ? In both caſes the property is *bona fide* brought to your country and entruſted to your care, with a full underſtanding that you will perform the part of faithful agents, pay

for what you buy, and restore the rest to its owners. Why, I will tell you what is the difference: In the case of embargo, the ships at least are subjected to great and useless damage; the crews are left in idleness and vice; the vessels rot; and the cargoes are exposed either to perish, or to be sold at a forced sale; and it will often happen that at least three quarters of the value of the property detained is clearly lost to all parties: while in the seizure of debts, there is no loss, and no extraordinary expence.

But there is another objection which I must undertake to answer. It is said that to sequester the property of a foreigner in the public funds would injure the *credit* of the government of the United States. I comprehend the argument perfectly well: it means their *borrowing-credit*. As to their credit for moral honesty, political economy, national dignity, good sense, and that steady pursuit of pacific principles which inspires respect and confidence abroad, and the love and veneration of their own citizens,—this sort of credit would be greatly benefitted by such a system, if it were solemnly declared as a principle of neutrality, and impartially executed whenever occasion should require. But a *credit* in the mercantile sense of the word, or a facility of making loans, deserves a farther consideration. It is, in my opinion, an instrument too dangerous to be trusted in the hands, I will not say of an executive government, but even a legislative body. I have examined pretty fully in a former publication* the advantages

* *Advice to the Privileged Orders*, chap. 5, where the funding system is discussed.

and diſadvantages of ſuch a credit in the policy of a free republic generally; without applying it to my own country in particular. The diſadvantages are terrible beyond deſcription; and I will only add here, that I wiſh to ſee no ſuch credit habitually in the government of the United States. I acknowledge that there are caſes in which it might be highly beneficial; and ſo there are caſes where an unlimited arbitrary power might be advantageouſly concentred for a moment in one man. But no proſpect of ſuch a caſe, though poſſible, has been or ought to be thought ſufficient to induce you to provide for it in your conſtitution. If you had been convinced, therefore, that the power you have delegated to congreſs of borrowing money on the credit of the United States was as dangerous as it would be to delegate the power of creating a dictator, you doubtleſs would not have inſerted ſuch a clauſe in your conſtitution, without ſome modification or reſtriction, which would not have been difficult to apply to ſo tremendous an inſtrument of innovation and abuſe. Though great miſchiefs have already been done by the exerciſe of this borrowing power, thus indiſcretely truſted out of your hands, yet it is not impoſſible to arreſt the evil where it is; and in my opinion you ought to attempt it without farther delay. Otherwiſe it will inevitably go on increaſing to a degree which no man will pretend to calculate, and no friend to his country can think of but with horror. Annex to your conſtitution an amendment to this effect: *That in future no aſſumption or obligation for the payment of money ſhall*

be made or authorised, by the Congress, the Executive or any other officer of the United States, so as to be binding on the people thereof, except in case of actual invasion; and then for the sole purpose of immediate defence against such invasion.

Experience has certainly taught us by this time, what theory unhappily did not, that a few detached citizens, however wise and virtuous in other respects, cannot be safely trusted with the fates of nations, and the happiness of future ages, in a business attended with so many temptations, as that of thrusting the hand into the long and open purse of posterity. The giddiness of power, the violence of passion, the multiform solicitations of artful speculators, will almost necessarily drive them headlong to sell our future earnings, and entail slavery on mankind; when it can be done by the simple act of voting; and when the responsibility is not to us who sent them, but to generations not yet in being.

Look back through ten years of your history, and examin, if you can with patience, the rise, progress and present state of your national debt. See with what wanton prodigality it has been hunted up from every corner and in every shape, assumed, funded and saddled upon you. You were told ten years ago, and with such effrontery as appeared to gain your belief, that if you would have the goodness to fund the proposed debt, with all its accumulations, it would be very easily lessened and very soon extinguished; that the rate of interest in America would soon fall from *six* to *five*, and then to *four* per cent; and you were flattered

with the idea that you would ſpeedily be able to make new loans at theſe latter rates, to purchaſe in the old capital; and by that means ſo diminiſh the annual call for money, as to be able by a ſurpluſage of revenue to ſink the whole debt in a ſhort time. You have now had ten years of peace ſince this arrangement; eight of which were years of ſuch uncalculated proſperity as was never before experienced by any nation, and was aſtoniſhing even to yourſelves. During this time, how have the proſpects, held out in your funding ſcheme, been realized? Your debt has been conſtantly increaſing; and your government is now borrowing money, or trying to borrow it, at *eight* per cent; and for no other object, as I can diſcern, but to augment the bleſſings of a national debt. As to the rate of intereſt offered, it is a matter of very little importance in my view of the ſubject. I wiſh the money were not to be found at *twenty* per cent; or rather, I wiſh the government of the United States, were unable to borrow a dollar at any intereſt whatever; and were always to continue ſo, except in caſe of war and invaſion.

Your funding ſyſtem, conſidered as to the circumſtances and proſpects under which it was adopted, is doubtleſs one of the moſt memorable pieces of imbecility and impudence that ever was impoſed upon a nation. The ſcheme when preſented to Congreſs, and the report on public credit that accompained it, have indeed procured extraordinary honors to their authors in America; but they would have done no remarkable credit to any clerk employed at a *hundred* pounds a year in the

fiſcal department in London. They contain no ideas that are new, or luminous, or analogous to your ſituation. All is a dead rotine of expedient, familiar to every corrupt government in Europe, whoſe only object is to find preſent money by any means whatever. And all the merit there is in the ſcheme, is the novelty of applying an old deſperate remedy where there was no diſeaſe; or rather of creating a diſeaſe, in order to apply it to the remedy. The debt thus accumulated, and ſtill accumulating, by the conſtant ſolicitude of thoſe who raiſed it up, has indeed finally aſſumed the appearance of an incurable diſeaſe; or at leaſt its ſtate has become ſo alarming as to require your moſt ſerious conſideration and immediate exertion, to arreſt it, if poſſible, where it is, and try to get it under.

The actual ſtate of things with you, if not deſperate, is at leaſt diſquieting to the friends of liberty. When I ſee the American Executive advertiſing to borrow money at *eight* per cent, what do I ſee but a youthful, free and flouriſhing nation advertiſing itſelf for ſale! I ſee an infant Hercules, after having ſtrangled the ſerpents in his cradle and riſen on his feet with an indication of future force deſtined to free the world from violence, tie himſelf for life to the apron-ſtrings of the ſame Juno who had brought the ſerpents to devour him. Your leaders attach you to England, not only by commercial treaties, which ought to humble you in your own eyes, as much as they diſgrace you in the eyes of the world, but by ſeeking precedents in every thing among the worſt of her follies;

things indeed that ſcarcely paſs for follies in her, ſince the weakneſs, or wickedneſs, conſiſts chiefly in applying them to a country where they do not belong, and for which they never could have been invented. Your phyſicians have gone to a decrepid, intemperate old man, and borrowed his ſtrong cordials, his bandages and gouty velvet ſhoes, to adminiſter them with cruel empiriciſm to a ſturdy plow-boy.

France is at this time unable to obtain a credit, or to borrow money on any terms, even from her own citizens. As a friend to France I rejoice at it. She now ſpends about *thirty* millions ſterling a year; if ſhe could borrow with the ſame fatal facility as England, ſhe would ſpend at leaſt *ſixty* millions. What will be her financial ſituation or policy at the end of the war, I cannot tell. Her debt will doubtleſs be enormous, and in a very depreciated ſtate. I hope ſhe will have more juſtice than to follow our example in funding it, in all its undiſtinguiſhed forms and accumulated ſize. I would rather ſee it cut up into paper money, given out to the creditors, and then ſet afloat, collected and burnt, in the courſe of three years, by the operation of one ſpecific and adequate tax. I do not pretend that this would be the moſt juſt or politic method that could be deviſed; but I am certain it would be leſs *unjuſt*, and leſs *impolitic*, than to increaſe it ten fold, by raiſing it at once from *ten* per cent to a *hundred*, and fixing it on the nation forever at the higheſt rate of intereſt known in the country. A middle courſe may doubtleſs be found, which would do leſs injuſtice

than either of thefe extremes. I think too there was fuch a middle courfe, to be difcovered in America; and I think it would have been difcovered, had there been no fpeculators in congrefs, or about the treafury. Whenever your eyes fhall ceafe to be dazzled with men, and you will fix them on meafures, you will doubtlefs adopt the fame opinion.

But in anfwer to what I have fuggefted relative to the beft mode of defence againft the infults of Europe, it will be faid that you have fettled your difpute with England, without reforting to it; and, what is more, you have ftipulated that you never will refort to it. Have you ever calculated the real expence, paft, prefent and to come, of fettling that difpute in the manner in which you have done it? It has coft you, firft, a facrifice of character, perhaps irretrievable, in the difgrace of having injured your old friend in her diftrefs, aided your moft inveterate enemy, and abandoned the ftrong hold which the nature of things had given you, and in which you always would have been able to defend yourfelves againft them both, with perfect dignity and independence. You feem to have forgotten that different nations, as well as different animals, have different means of defenfe, with which nature and circumftances have refpectively endowed them. England is defended almoft entirely by a maritime force, without deeming it neceffary to fortify her towns, or keep on foot any confiderable army by land. Auftria depends wholly upon her land troops and her fortifications. The Pope, though for many ages the moft pow-

erful monarch in Europe, depended on no phyſical force by land or ſea, but altogether on a moral force, or church policy. Now if either of the latter powers had ſaid to England: lay aſide your navy: it is dishonorable to make uſe of wooden walls and floating batteries: you ought to allow your enemy to land in your country when he pleaſes, and then truſt to your bayonette or your prayer-book, for defenſe,—is it probable that England would have been perſuaded by that argument, to ſet fire to her ſhips? The defence of the United States lay in the peculiar nature of their commerce. You had an invincible bulwark in the debts you were conſtantly owing and renewing with all the nations that had it in their power to menace your repoſe. But the firſt nation that takes it in her head to inſult you, comes and tells you that your mode of defenſe is dishonorable, that you muſt not uſe it, but give it up by compact. And, although it was more ſure, more peaceable, more natural and leſs expenſive, than any other that could be imagined, you immediately reſign it into her hands.

2d. Your manner of ſettling that diſpute has brought on a rupture with France, which has already coſt, in private plunder and public preparation for war, at leaſt 60 millions of dollars. And it is not yet certain how much higher theſe loſſes will riſe, before the buſineſs is terminated.

3d. The moſt frightful and moſt incalculable expenſe, is one which is only yet beginning to begin: it is that terrible ſcourge of maritime nations, a military navy. I beg you to contemplate

for a moment the abyſs that your leaders are digging under your feet in the naval ſyſtem now organiſing with ſo much addreſs. You will then liſten at your leiſure to that ſwarm of ſpeculators, who live upon your loſſes, and are now clamoring in favor of this ſyſtem with as much affectation of patriotiſm, as if your ſalvation, inſtead of theirs, depended upon it. I will only obſerve that it has been the ruin of every nation that has hitherto adoped it; and that it muſt be ſo from its nature. It is the ſyphon put in ſuction, which never can ſtop, or moderate its action, till all that feeds it is exhauſted.*

To aſſiſt in dragging you into this buſineſs, you have been told (I think in one of thoſe oracles delivered to both houſes of Congreſs) that there is no example among mankind of a commercial marine, without a military marine to ſupport it. The fact is not ſo; and if it were, that is no reaſon why it ſhould continue ſo. The republics of Raguſa, Hamburg, Lubeck and Bremen, are among the oldeſt governments in Europe; and they are in a high degree *navigating States;* that is, they have each of them a large commercial marine, and have had for many ages, without any military marine. Some of my readers will ſmile when they perceive that I am going to compare any of thoſe little ſovereignties with the great and independent republic of the United States. I ſhall

* I purpoſe, on another occaſion, to examine the naval ſyſtem of Europe; and to ſhow that it has been and muſt be ruinous, even to thoſe nations which had more plauſible reaſons for adopting it than we can have.

do it only in one point ; and there is one point in which the comparifon is very ftriking, and I think applicable to the prefent fubject. None of the neighboring powers think proper to attack the commerce of thofe fovereignties, becaufe the intereft of other neighboring powers is concerned in its independence. In like manner, the power of St. James's (if our commerce were kept on its natural footing of felf-defence) would not think proper to attack it, becaufe the power of Liverpool, Birmingham, Sheffield, Manchefter, London, and other commercial towns, which contain our creditors and ftockholders, would oppofe it for the ftrongeft of all reafons, and with indubitable effect. The power of the Hague would be reftrained, for the fame reafon, by the power of Amfterdam ; the power of Paris, by that of Bordeaux, Nantz and St. Domingo ; and fo of the reft. I make no exception in the argument on account of the prefent deplorable rupture with France becaufe this rupture never would have happened, if we had not firft refigned our armor to England ; and becaufe the neceffary energies and violent convulfions of the revolution have concentrated for a moment all poffible powers within the walls of Paris ; fo that the voice of the commercial towns, the colonies, and the true intereftS of the nation, are not heard. But this is a crifis, fo far as it refpects France, which cannot be repeated ; and fo far as it refpects the provocations on our part, I hope it never will.

Our effential character is that of an agricultural people ; and, happily for us, the vaft quantities of

our vacant lands, which call for culture, and demand a population equal to half Europe, will preſerve us in this condition for ages to come. Our conſumption of European manufactures muſt therefore continue, and even increaſe. The rate of intereſt, during this period, will neceſſarily be higher in America than in Europe. Of conſequence, the maſs of private debts, habitually due from our merchants to thoſe of the manufacturing nations, will not diminiſh, but probably increaſe, at leaſt for many years; perhaps as long as a military marine will be ſuffered to exiſt in any country. There could be no fear therefore that this our natural defence would fail us, as long as the preſent ſyſtem of European policy ſhould continue; and we might at leaſt *furniſh* an example, if we could not *find* one, of maintaining a commercial, without a military marine. And I cannot but hope that there are perſons now living who will ſee the day when not a cannon ſhall be allowed to be carried to ſea, at leaſt on the Atlantic and European ſeas.

But the navy ſyſtem with you is like the funding ſyſtem. When once the funding ſcheme was adopted as a principle by your ſpeculating legiſlators, it was neceſſary to create a debt to ſupport it. For as the ſyſtem could not live without the debt; and as they were determined to have the former, they muſt of courſe raiſe up the latter. In like manner, the rage for a navy, which the ſame politicians have been kindling and puffing for ſome years, is at laſt wrought into a ſyſtem. They have created a new miniſterial department, adorned

with all the pomp and patronage, and ready to contribute its part in the ſplendor of the Executive, and the growth of the public debt. They have now at leaſt one argument for building a fleet; for what is a marine miniſter, without a marine? And what is a navy without ſhips? Theſe two ſyſtems, whatever may have been the intentions of their authors, are certainly calculated for the deſtruction of liberty in the United States. And they will not fail of their effect, unleſs they are checked in their preſent career.

No one will deny that a great change is taking place in the ſtate of ſociety in Europe, both as to the interior government of nations, and their exterior and reciprocal intercourſe. The rapid progreſs of thought, ſet looſe from the ſhackles of precedent, and following the career of revolution that now ſhakes the political world, muſt neceſſarily lead to a new order of things. We all agree likewiſe, at leaſt all who reflect, that the Law of Nations is exceedingly vitious and unreaſonable in many reſpects; eſpecially in what concerns the rights of war and peace, relative to commerce. It gives too much favor and encouragement to a ſtate of war, and ſubjects to too many inconveniences and vexations the inhabitants of ſuch countries as chooſe to remain in peace. It is evident that theſe unnatural regulations were made for kings, and not for the people. They are founded on the principle that a ſtate of war is the chief ſolicitude of thoſe who govern; and the great object to be encouraged and ſecured. This is the origin of thoſe exceptions in the articles of

free tranſportation, which have ariſen to an enormous liſt, called *contraband of war;* it likewiſe gave riſe to the practice of ſearching neutral veſſels for enemy's goods, of ſubjecting them to extraordinary and unneceſſary rules of proof, to eſtabliſh the property; and many other ingenious vexations; as if we muſt make apologies for wiſhing to live in peace, and for being producers, inſtead of deſtroyers, of the aliments of human life.

No pacific nation can be ſatisfied with this ſtate of things; as it evidently prefers violence and rapine to the honeſt purſuits of induſtry. Some of the powers of Europe, ſenſible of theſe wrongs, have united their efforts with thoſe of the friends of liberty, in attempting, for many years paſt, to change the Law of Nations in this reſpect; to emancipate neutral commerce from the tyranny of contraband, and ſcreen it from the ſeizures and vexations incident to the prevailing ſyſtem. America once joined them in theſe views, and adopted the ameliorations, as far as poſſible, in her early treaties in Europe; till her government choſe to ſacrifice them to a more favorite project, and threw them into the general hecatomb of rights and principles, buried in the Britiſh treaty.

If theſe revolutions in Europe ſhould terminate in favor of general interior liberty, which is altogether probable, they muſt neceſſarily extend to exterior or commercial liberty. The law of Nations muſt undergo a reviſion; and it muſt be ſettled on a general baſis of peace and honeſty, inſtead of violence and rapine. It would indeed have been glorious in the United States, who had given the firſt example to the world of interior

and domeſtic liberty, to have been alſo the firſt in aſſerting, defining and maintaining the exterior liberty of trade, and thoſe rules of national intercourſe which muſt finally be reſorted to, as the baſis of a pacific ſyſtem. Your geographical ſituation as relative to Europe, not only called for ſuch a meaſure, but would have enſured its ſucceſs.

But while we regret that ſo ſingular an opportunity of doing ſo much good has been ſlighted and thrown away, it becomes us to conſider how much of the error is ſtill capable of being retrieved, and what will be the proper moment and the beſt method of attempting it. What are the meaſures that America ought to take, *to ſecure her own liberty; eſtabliſh a permanent and equal independence from every foreign power; command the reſpect and gain the confidence of all mankind; and induce the commercial nations to adopt a general plan of pacific intercourſe, which will perpetuate itſelf, and better the condition of ſociety?* It is poſſible that theſe enquiries may be the ſubject of another letter which I may addreſs to you, my fellow citizens, whoſe intereſts I will never ceaſe to cheriſh. I am your brother by the cloſe and complicated ties of blood, of early ſympathies, common dangers and common triumphs; and your happineſs is naturally and habitually nearer to my heart than that of any other nation; tho' my general philanthrophy leads me to pity the condition of every injured people, and to cenſure, if I cannot reſtrain, thoſe who lead them into error.

Some of you have blamed me for the ſeverity of my remarks on the conduct of your Executive. It is becauſe you have made them gods, that you are

offended with me for finding them but men. I never doubted the patriotiſm of your principal leaders; that is, ſo far as patriotiſm conſiſts in good intentions. But I doubt the patriotiſm of thoſe who lead your leaders. I ſee immenſe fortunes made by your funding legiſlators, out of the public funds which they funded for themſelves. I ſee the moſt perfidious meaſures propoſed, adopted and perſiſted in, for hurling you from the exalted ſtation which enabled you to give commercial law to the governments of Europe; and for couching you under the pelican wing of the worſt of thoſe governments. I ſee the treaty that conſummates this buſineſs, ratified in a guſt of paſſion, a moment of perſonal reſentment at an intercepted letter written by an officious French miniſter, which happened to ſpeak of the weſtern inſurrection.* And when the indignation of France, though excited by repeated provocations, riſes with ſymptoms of extravagant fury, and threatens an unjuſtifiable meaſure of revenge, I ſee no prudent or manly attempts on your part, to allay the ſtorm and prevent a rupture; but prevarication about facts is given for explanation, and gaſconade at home keeps time with humiliation abroad. Then comes the flood of piracy and plunder let looſe upon your property; a ſcene of wickedneſs which no man can abominate more than myſelf, and no man has endeavored more to pre-

* It ſeems that the Engliſh Miniſter at Philadelphia underſtood well the temper of Preſident Waſhington. We all remember what a dextrous uſe he made of Fouche's intercepted letter; how he threw the Preſident into a ſudden rage againſt the French government, and induced him in his anger to ratify the Britiſh treaty.

Note of the Editor.

vent or mitigate. But when I trace thefe deplorable effects to their proper and indubitable caufes, I cannot confine my animadverfion to this fide of the Atlantic. Though you may choofe to deify your firft magiftrates, the original authors of thefe calamities,—though you enfhrine them in the temple of infallibility, fence them round with fedition laws, and intoxicate them with addreffes, birth-day odes, and bacchanalian toafts,—I fee in them fome of the frailties of men; and I will not join the chorus of adoration.

With refpect to men, I am of no party; with refpect to principle, I am a republican in theory and practice; notwithftanding the difgrace into which that principle feems to be falling in America. I confider it as my unalienable right, as well as my indifpenfable duty, to render a fervice to you wherever I find occafion. And when fuch fervice has led me to notice what I thought wrong in the adminiftration of your government; I have always done it; and in fuch a manner as I thought would be moft likely to lead to a correction of the abufe. And I fhall not relinquifh this right, nor neglect this duty, whoever may be the men, and whatever the party, to whom you may choofe to delegate your powers.

Among my endeavours to ferve you, as a volunteer in the caufe of humanity, there is none which I have had more at heart than that of preventing a war between you and France, and of bringing about a reconciliation on terms honorable and advantageous to each. I have no doubt but that both governments defire it; but whether they

do or not, as long as I deem it for the intereſt of both nations, and there remains any hope of ſucceſs, I will not ſlacken my exertions. I do not believe in the modern doctrine of your cabinet, that it is a crime in a private citizen to ſerve his country; or even to call in* queſtion the infalibility of its adminiſtration. And I know no man in America who did believe it, as long as he remained a private citizen. I am confident, and you may be in time, that the labors of myſelf and a few other men, not commiſſioned for the purpoſe, have hitherto prevented a war. But how long this will continue to be the caſe, I cannot pretend to ſay.

I have been animated in theſe exertions, not only by the deſire of diminiſhing preſent evils, and of ſparing the blood and treaſure of the preſent generation, but of preventing the cauſe of liberty from falling into diſgrace by the quarrels of the two republics, and of diſappointing the tyrants of the world, who anticipate this ſort of triumph to their own cauſe. Perhaps I deceive myſelf; but I cannot yet renounce the belief that the principle of free repreſentative government is ſo manifeſtly preferable to the principle of monarchy, that it will one day be adopted and brought into general practice among the nations of Europe. I believe that if France has not yet reduced to practice, the liberty ſhe has vindicated in theory, both civil and commercial, it is owing to a prolongation of revolutionary mea-

* The author alludes to the ſedition law; and the Logan law, or the law forbidding a private citizen to interfere with his advice in our foreign relations.

ſures, neceſſitated by the ſtate of Europe, and not to a forgetfulneſs of principle. She has not yet taken meaſures to eſtabliſh the liberty of the ſeas, becauſe ſhe has not yet arrived at that ſtate of tranquility which will enable her to look beyond preſent exigencies, to plans of permanent improvement. The ſame apology will not apply to the United States. You have had one period, and a pretty long one, of unexampled proſperity and repoſe ; during which, your government appears to have done little for America but increaſe her debt, and nothing for Europe but imitate her follies.

I was indeed in hopes that advantage would be taken of the elevated ground on which you ſtood to lay the foundation of an edifice that ſhould promiſe, if neceſſary, to afford a ſhelter to the human race. I expected to ſee you propoſe a baſis for a Law of Nations, to be eſtabliſhed in reaſon, juſtice and the principles of peace. And I flattered myſelf that when France ſhould come to her ſenſes, and reſt from her military labors, we might ſee the two greateſt republics on earth, not only enjoying liberty themſelves, but recommending it to others, by removing the occaſion of wars. But if you really have no talents among you of a higher nature than what is neceſſary to copy precedents from old monarchies, I pity you, and call upon you to pity me. It is time to deſpair of the perfectibility of human ſociety, and make up our minds to return to ſlavery, monarchy and perpetual war.

JOEL BARLOW.

APPENDIX.

I write but few private letters on political subjects; but as the one which has given occasion to the foregoing has been made public in such an imperfect form, I am induced to subjoin the copy of another, which possibly might otherwise meet a similar destiny. Not that I apprehend that the person to whom it was addressed would adulterate, or even publish it; but accident may throw it into other hands.

TO GEORGE WASHINGTON.

Paris, 2d October, 1798.

Sir,

ON hearing of your nomination, for the second time, as commander in chief of the American armies, I rejoice at it; not because I believe the war which this nomination contemplates is yet unavoidable, and that it will furnish an occasion for a farther display of your military talents; but because it may enable you to exert your influence to a greater effect in preventing the war. By becoming more the centre of information than you could be in your retirement, you will be better able to judge of the dispositions of both governments, and to offer such councils to your own as

may tend to remove the obſtacles that ſtill oppoſe themſelves to a reconciliation.

Were you now preſident of the United States I ſhould not addreſs you this letter; becauſe, not knowing my inclination for retired life, you might think that I was ſeeking a place, or had ſome other object in view than the ſimple one of promoting peace between the two republics. But I hope, under preſent circumſtances, you will believe my motive to be pure and unmixed; and that the object of my letter is only to call your attention to the true ſtate of facts.

Perhaps few men who cannot pretend to have been in the ſecrets of either government, are in a better ſituation than myſelf to judge of the motives of both; to aſſign the true cauſes of their unhappy miſunderſtanding; or to appreciate their preſent diſpoſitions, pretentions and wiſhes. I am certain no one labors more ſincerely for the reſtoration of harmony, on terms honourable to the United States, and advantageous to the cauſe of liberty.

I will not in this place go over the hiſtory of paſt tranſactions. It would be of little uſe. The object is to ſeize the malady in its preſent ſtate, and try to arreſt its progreſs. The diſpute at this moment may be characteriſed ſimply and literally a *miſunderſtanding*. I cannot perſuade myſelf to give it a harſher name, as it applies to either government. It is clear that neither of them has an intereſt in going to war with the other; and I am convinced that neither of them has the inclination. That is, I believe the balance of inclination as

well as of intereſt, on both ſides, is in favor of peace.

But each government though ſenſible of this truth with reſpect to itſelf, is ignorant of it with reſpect to the other. Each believes the other determined on war, and aſcribes all its conduct to a deep rooted hoſtility. The leaſt they can do therefore, under theſe impreſſions, is to prepare for an event that they both believe inevitable ; while they both wiſh to avoid it.

By what fatality is it that a calamity ſo dreadful is to be *rendered* inevitable becauſe it is *thought* ſo ? Both governments have tongues, and both have ears. Why will they not ſpeak ? Why will they not liſten ? The cauſes that have hitherto prevented them are not difficult to aſſign. I could eaſily explain them, as I believe, to the ſatisfaction of all parties ; and without throwing ſo much blame on either government, as each of them at preſent aſcrides to the other. But I will avoid ſpeaking of any paſt provocations on either ſide. The point which I wiſh to eſtabliſh in your mind is, that the French Directory is at preſent ſincerely deſirous of reſtoring harmony between this country and the United States, on terms advantageous to both parties. I wiſh to convince you of this, and through you the American government; becauſe that government, being deſirous of the ſame thing, would not fail to take ſuch ſteps as would lead immediately to the object.

In offering you my proofs of the preſent diſpoſition on this ſide, you will permit me to obſerve that ſome of them are from their nature incapa-

ble of being detailed, and others improper to be truſted in the caſualties of a letter. But I will mention a few that are oſtenſible, and, ſo far as they go, undeniable. 1ſt. The Directory has declared that it will receive and treat with any miniſter from America who ſhall appear to be ſent with a real intention of treating and terminating exiſting difficulties. I have no doubt but ſuch was the intention when the laſt envoys were ſent; but, from ſome unfortunate circumſtances, the Directory did not believe it. 2d. As a preliminary, it has declared that in the negociation there ſhall be no queſtions of loans of money, or apologies for offenſive ſpeeches pronounced by the Executive on either ſide. 3d. All commiſſions given to privateers in the Weſt-Indies are recalled; and when new commiſſions are given, the owners and commanders are to be reſtricted under bonds to the legal objects of capture. 4th. An embargo that had been laid on American veſſels within the republic in conſequence of a report that a war had been begun on the part of the United States, was taken off as ſoon as it was ascertained that ſuch war had not been begun; and a new declaration was at that time ſent to America of the wiſhes of France to treat.*

* Since writing this letter, I am at liberty to ſtate that the *new declaration*, here referred to, was diſpatched from Paris through an official channel about the end of September laſt. It ſhould ſeem that it had not arrived in Philadelphia before the opening of Congreſs in December; as the Preſident's ſpeech alludes to a declaration made to Mr. Gerry in July, containing a ſort of condition: but it takes no notice of this ſubſequent one, which was perfectly explicit and unconditional.

Theſe facts will doubtleſs come to your knowledge through other channels before you receive this letter. But there are other facts which in my mind are equally clear; though to you they will be deſtitute of corroborating circumſtances, and muſt reſt on my own information and opinion: 1ſt. That this government contemplates a juſt indemnity for ſpoiliations on the American commerce, to be aſcertained by commiſſioners in a manner ſimilar to the one preſcribed in our treaty with England. 2d. That the legiſlation will ſoon be changed here with reſpect to neutrals; and all flags put on the footing of the Law of Nations. 3d. That a public agent would have been named and ſent to Philadelphia ſoon after Mr. Gerry's departure, were it not for the apprehenſion that he would not be received. There was a doubt whether the American government would not have already taken ſuch meaſures of hoſtility, as to be unwilling to liſten to terms of accommodation. And the Directory did not chooſe to riſk the chance of ſeeing its offers refuſed. 4th. That the Directory conſiders theſe declarations and tranſactions as a ſufficient overture on its part; that it has retreated to an open ground which is quite unſuſpicious; that a refuſal on the part of the American government to meet on this ground will be followed by immediate war; and that it will be a war of the moſt terrible and vindictive kind.

This, Sir, is my view of the preſent ſtate of facts. Should it make that impreſſion on your mind which I deſire for the ſake of humanity that it may, you will judge whether it does not com-

port with the independence of the United States, and the dignity of their government, to ſend another miniſter, to form new treaties with the French Republic. In a war there is clearly nothing to be *gained* by us, not even honor. Honor indeed may be *ſaved* by war, and ſo it may by negotiation. But the calamities inſeparable from a war of this kind, and under preſent circumſtances, would be incalculable. I do not ſay that the United States, or any portion of them, would be conquered; but they would ſacrifice great numbers of their beſt citizens, burthen themſelves with four times their preſent debt, overturn the pureſt ſyſtem of morals, and loſe the faireſt opportunity that ever a nation had of riſing to greatneſs and happineſs on the baſis of liberty.

Were I writing to a young general, whoſe name was yet to be created, I might deem it vain to aſk him to ſtifle in its birth a war on which he had founded his hopes of future honors. But you, Sir, having already earned and acquired all that can render a man great and happy, can ſurely have no object of ambition, but to render your country ſo. To engage your influence in favor of a new attempt at negotiation, before you draw your ſword, I thought it only neceſſary to convince you that ſuch attempt would be well received here, and probably attended with ſucceſs. I can only aſſure you that ſuch is my ſincere opinion; and that my information is drawn from unſuſpected ſources.

I am not accuſtomed to interpoſe my advice in the adminiſtration of any country; and ſhould not have done it now, did I not believe it my duty, as

a citizen of my own, and a friend to all others. I ſee two great nations ruſhing on each other's bayonettes, without any cauſe of contention, but a miſunderſtanding. I ſhudder at the proſpect, and wiſh to throw myſelf between the vans, and ſuſpend the onſet, till a word of explanation can paſs.

I hope my letter will have caſt ſome light on the ſubject. But whether it will or not, I know you will excuſe the attempt; for you know my zeal is honeſt.

JOEL BARLOW.

LETTER II.

On certain political Meaſures propoſed to their conſideration.

Paris, 20th. December, 1799.

Fellow Citizens,

IN my firſt letter to you I ſignified an intention of addreſſing you a ſecond time on political ſubjects; and of ſuggeſting certain meaſures which appear to me to be within your power, for ſecuring your own liberty both civil and commercial, and for laying a foundation of a pacific intercourſe among all maritime nations, on a plan which may perpetuate itſelf and become univerſal. Some of my obſervations may appear ſuperfluous, as being already familiar to the minds of thinking men; and ſome of my theories may be thought impracticable, becauſe they are not familiar. Could I know beforehand what would really prove ſuperfluous, and what impracticable, I would certainly retrench all that ſhould come under both theſe deſcriptions; though it might go to the whole contents of my work. For my object is to aid the exertions of thoſe who wiſh to do good; and not to embarraſs them in the choice of means.

The art of governing a nation is the art of ſubſtituting a moral to a phyſical force. It is only in

their rudeſt ſtate, antecedent to government and previous to any experience, that men can be ſuppoſed to be impelled or reſtrained altogether by the action of other men, applied as bodily ſtrength. *The right of the ſtrongeſt* among individuals, or in ſections of the ſame ſociety, ſuppoſes the abſence of that controling power which is held over them by the ſociety at large; and which, being confided to the hands of the magiſtrate, conſtitutes the moral force with which the government uſually acts.

As the abſolute independence of one man upon another is incompatible with a ſtate of ſociety, perſonal ſtrength becomes no longer neceſſary to perſonal protection; but on the contrary, it is a general maxim that individual ſafety is beſt ſecured where individual exertion is leaſt reſorted to. Our ſubmitting to any force whatever, whether phyſical or moral, is the choice of ſelf-intereſt: reſulting in the firſt caſe from real defeat; and, in the laſt, either from calculation or from habit. The conſciouſneſs of public power gives riſe to public opinion; and while experience teaches us to calculate their energy, it brings on the habit of reſpecting their authority. We thus refrain from mutual injury by an habitual ſenſe of convenience, which reſembles the inſtinct of ſelf-preſervation, and is almoſt as ſtrong in us, as that ſenſitive horror which prevents our ſtepping off a precipice. Hence great ſocieties may be moved, millions of perſons protected, induſtry and virtue univerſally encouraged, idleneſs and violence completely reſtrained, without lifting the hand of one man upon another.

Theſe reflections open to our view an immenſe

career of improvement; and explain the theory of the whole progreſs of ſociety, paſt, preſent and to come. Great ſtrides have been taken in this wonderful career; and a conſiderable elevation in the aſcending ſcale of improvement is already attained. Whoever will compare the preſent ſtate of the ſpecies with what it was when every thing was decided by bodily ſtrength—when man, after having forced a bit of food from the elements, or robbed it from the ſavage beaſt, was ſtill obliged to diſpute its poſſeſſion with his fellow man—whoever looks back to that ſtate of painful privation, precarious toil and perpetual danger, which ſaddened the exiſtence of unaſſociated men, and will then turn to himſelf, and contemplate what he now enjoys in his protected induſtry, in the comforts of life aſſured to himſelf and family, in the love and good will of his neighbors, and even of diſtant nations, where virtue and talents are reſpected, muſt be convinced of a progreſs in human affairs, and of a tendency towards perfection. And he will not deny the truth of this general theory, though the period of a few years, taken in any one fection of the great circle, may not preſent to his diſcernment any perceivable amelioration.

The perfectibility of human ſociety is not a ſubject of idle ſpeculation, fit only to adorn the pages of a book. It is a truth of the utmoſt importance in its practical tendency. No maxim is more eſſential to the legiſlator of a nation or to the negotiator of treaties; and it ought eſpecially to be preſent in the minds of all men who are called to adminiſter a repreſentative government. If ſuch

men have talents and information worthy of their place, and a proper zeal for performing its duties, they will not content themſelves with the thoughtleſs rotine of official functions, juſt neceſſary to eſcape impeachment ; they will not think it enough to avoid crimes themſelves, or to puniſh them in others ; but they will call forth the energies of their own genius and that of their fellow citizens, to interrogate the native reſources of their country, the elements of national happineſs ; they will ſecond the deſigns of nature by accelerating the progreſs of improvement, by exploring the objects of induſtry, multiplying the means of ſubſiſtence, creating new inducements for peace and harmony with neighboring ſtates, and removing every occaſion for jealouſy and war.

An enlightened magiſtrate will not be ſatisfied with himſelf, as having done his duty, unleſs he can ſay, on quitting the adminiſtration, that he leaves the nation better than he found it. Neither can he be ſaid to have ſerved his own country well, unleſs he has communicated benefits to other countries, to which her relations extend. There is no abſolute independence of nations, any more than of individuals. Men are every where ſurrounded with wants, and every where incumbered with ſuperfluities ; the neceſſity of aſking aid and the ability of granting it are mutual, perpetual and univerſal ; they keep up a conſtant exchange of commodities, a circulation of the vital fluid of ſociety. Our mutual wants and aids are the elements of our civilization ; they have already civilized individuals to a great degree, convinced them

of their relative dependence, and taught them the art, as well as the convenience, of living together in peace. They have made ſome progreſs too in civilizing ſtates; and their energy muſt be infallible in carrying on the work of harmony and happineſs; till nations ſhall ſtand in the ſame relation to each other as families do at preſent in the beſt regulated community.

The *civilization of States* is the great object to be aimed at in the preſent ſtage of the progreſs of human affairs. It is that part of general improvement which has been the leaſt underſtood, and the leaſt inveſtigated, both as to the means of bringing it forward, and the conſequences that would reſult from its ſucceſs. So little has it been ſtudied, ſo ill have the principles of ſociety been applied to it, even in theoretical diſcuſſion, that its poſſibility is ſtill regarded as a problem. Many perſons imagine that ſtates or nations never can be civilized more than they are at preſent; that among them the ſavage principle, or *the right of the ſtrongeſt*, will always be reſorted to. And, as it is evident that individual improvement, being conſtantly interrupted by the quarrels of nations, cannot be carried much farther, unleſs thoſe nations will agree to live in peace, they ſay there is no reaſon to hope that human ſociety will ever attain a greater degree of perfection than what we ſee at preſent. This would evidently be the caſe if nations were never to civilize; that is, if a ſenſe of mutual dependence were not to produce the ſame effects in the great ſections of ſociety called ſtates, as it does in the ſmall ſections called families. But

why ſhould we deſpair of theſe effects ? The mutual dependence of men is univerſal, and it is perpetual ; it is not only ſure to ſerve as a permanent ſource of reciprocal confidence, but as an increaſing ſource ; it increaſes with our factitious wants ; it becomes more ſenſible in proportion to our knowledge of diſtant countries and of their productions, in proportion to the acquiſitions we make in ſcience, to the accumulation of ſuperfluities, and the infinite reſearches of induſtry.

A particular *people*, whatever extention we give to the meaning of the word, whether it means a Pariſh or an Empire, is every where a phyſical and moral agent, whoſe intereſts are analogous and reciprocal with thoſe of another people of a like deſcription, who inhabits a neighboring territory. Each of them has a real intereſt in the proſperity of the other ; becauſe proſperity creates certain relative ſuperfluities, which, being exchanged between the parties, ſupply their relative wants. This interchange of commodities creates an interchange of affections ; it begins among individuals, and extends, in regular progreſſion with their knowledge, to every country and every portion of mankind.

Nature has certainly placed no barrier in this long courſe of improvement. Whatever barriers are perceived in it are unnatural and accidental ; they will therefore be removed by the development of the human faculties, though by ſlow degrees. There is no reaſon why civilization, after having ſoftened the temper of individuals, and harmonized the component parts of a ſtate, as acting among

themſelves, ſhould forever ſtop ſhort at that point, and leave the ſtate a ſavage without, while it is ſocial and peaceful within. For in this caſe it acts by its phyſical force abroad, and by its moral force at home; which ſuppoſes on the one ſide a want of experience which borders on the rudeſt condition of ſavage man; and on the other it vindicates a ſenſe of convenience and the habits of ſocial life.

To make this matter a little plainer, and ſhow that our hopes of progreſſive civilization are well founded, let us recur to firſt principles, and explain the cauſes which ſeem to impede its progreſs in certain ſtages of its career. What do we mean by the word *nation?* and what is that preciſe portion of mankind which neceſſarily forms a body politic, independent and unſocial, beneficent within and ferocious without? It is certain that the neceſſary limits of a nation are not geographical; neither are they numerical. In both theſe reſpects they are perpetually changing, and are already exceedingly various. One of them, the Chineſe, is ſuppoſed to contain three hundred millions of inhabitants; another, the Dutch, which does not exceed three millions, is eſtabliſhed in the four quarters of the world; its different branches being ſeparated by the wideſt oceans, and yet united in intereſt, friendly and ſocial, like a family. The territory now covered by one Federal Republic, the United States, was lately inhabited by at leaſt two hundred different nations at a time; all independent, ſovereign and ſavage towards each other, as the nations of Europe are at this day. France itſelf, a few centuries ago, was compoſed

of a great number of independent ſtates; which have been united one after another, under the name of provinces, for the purpoſes of exterior defenſe and the ſplendor of the crown; but never till the preſent revolution were they completely incorporated in one national body for the objects of interior commerce, or attached to each other by a ſimilarity of political rights and pecuniary burthens.

It ſeems then that the tendency of civilization is to diminiſh the number of nations, and to increaſe their ſize and proſperity. But this kind of progreſſion, as applied to independent nations, is limited by the nature of things. The few men, to whom the government of a ſtate muſt be confided, cannot extend their knowledge nor multiply their attentions to ſuch a degree as the affairs of a great people would require. France, in her preſent limits, preſents a maſs of population and territory ſufficient for at leaſt twenty integral and well conſtituted ſtates. Her legiſlative body is repreſentative; it is twice as numerous as any legiſlative body ought to be; and yet it is not a fifth part ſo numerous as a proper repreſentation of the people would require. It is incumbered with much more buſineſs than it can treat with that attention which the buſineſs deſerves; and yet not half the affairs which are neceſſary to the people are ever brought up for its deliberation. This republic, for the purpoſes of interior or local legiſlation and police, ſhould be organiſed into about twenty ſubordinate republics; while, for the purpoſes of general legiſlation, exterior relations, defence, commerce, canals, roads and every common concern,

they ſhould remain concentred in one great union, or community, with a national legiſlative and executive, reſtricted in their powers to the ſimple objects of great national intereſt; which objects ſhould be defined with the utmoſt preciſion in their general conſtitution.*

In purſuance of ſuch a ſyſtem there would be

* The terms *federal*, *confederacy*, and others from the ſame original, have been proſcribed in France during the organization of the Republic, becauſe their *ordinary* meaning refers to a different ſtate of things from what the condition of France admits; and different from what would be their *appropriate* meaning in this country, were the ſyſtem adopted which I ſhould recommend; and which appears to me the only one capable of preſerving liberty here, and of civilizing Europe. To *federalize*, applied to ſtates, uſually ſignifies to bring towards a union, but not into unity, thoſe that were before diſtinct and independent. But as France was already one integral ſtate, to *federalize* France would ſeem to be to divide and diſmember that which was before united; which, in the vocabulary of the revolution, was another word for anarchy and inteſtine war. The federality which I would propoſe for France and for Europe would not carry with it any ſuch idea. The integrity of the Republic, for every purpoſe of ſafety and harmony of parts, would not be altered by it.

There has been a great deal of falſe reaſoning on this ſubject. It is now believed by moſt of the philoſophers in Europe to be a great misfortune to our United States that they were in ſeveral ſtates, and not all in one ſtate. This would truly be a misfortune, had we not adopted the federal principle; but now it is one of our greateſt advantages.

I am ſorry to ſee that M de Liancourt, in his late Travels in America, has given countenance to this European ſentiment, which I conſider as a very unfortunate one for the progreſs of ſociety. His book which contains a vaſt quantity of facts and information, will have a tendency to accredit this doctine in the minds of many perſons who had not before adopted it. If that able and laborious inquirer after truth will reflect on the calamities which I ſhall notice in this letter, as what would be the conſequence of a diſſolution of our federal ſyſtem, and will contemplate the principle of that ſyſtem in its vaſt extent, as a new means of civilizing States and preventing wars, I hope he will find occaſion for changing his opinion.

See vol. 7, page 221, of his Travels. Paris edition.

no danger that France would become too extenſive or too populous for her internal convenience. And the ſeveral nations that are now forming republics in her neighborhood ought to conſtitute them on the ſame plan as thoſe of France, and make part of the general confederation. This ſyſtem ſhould be adopted and this confederation joined by every European people, as faſt as they become free; though it ſhould extend through this quarter of the world. It would preſent a great union of Republics; which might aſſume the name of *the United States of Europe*, and guarantee a perpetual harmony among its members.

This beneficent ſyſtem of federalizing appears to be the only reſource that nature has offered us, as leaſt in the preſent ſtate of political ſcience, for avoiding at once the two dangerous extremes of having the republic too great for an equitable adminiſtration within, or too ſmall for ſecurity without. On this principle, if wiſely purſued, no confederated republic will be too great, and no member of it too ſmall; as all ſubjects of jealouſy will be done away by the nature of the aſſociation. The new republics of Europe muſt reſort to this principle, if they mean to hold the ground they have gained, in changing their feudal for their repreſentative conſtitutions. Could we flatter ourſelves that they would reſort to it at the end of the preſent war, then we might hope to ſee the moral force of nations take place of their phyſical force, the civilization of ſtates keep pace with that of individuals, and their commercial relations eſtabliſhed on the principles of peace.

Infinite credit is due to the conductors of our American Revolution for the wisdom and energy with which they seized the occasion of establishing our interior and federal governments in the forms which they now possess. The two most consoling principles that political experience has yet brought to light, are those on which we have founded our constitutions,—I mean *representive democracy*, and the *federalizing of States*. It is true that neither of these priciples was wholly of our own discovery. But what little experience had been made of either of them by other nations was extremely imperfect, was attended with little success, and had by no means united the opinions even of the most sanguine in their favor. In no instance had the two principles been brought together and wrought into one system; nor had they ever been attempted both by the same people.

Democracy had been disgraced by the pretended experience of some of the states of Greece; though in reality no such thing as democracy ever did exist either in Greece or Rome. It has been concluded, and very justly, that *pure democracy*, or the immediate autocracy of the people, is unfit for a great state; it might be added that it is unfit for the smallest state imaginable, even a little town. But *representative democracy* is applicable to a state of any size, and under any circumstances where men have the use of their reason; though neither this nor any other principle hitherto discovered is sufficient *of itself* to regulate the concerns of a great people; as no one integral government is capable of bestowing equal and adequate benefits on every

part of an extenſive and populous country. But, happily for mankind, the repreſentative principle is a fit companion and a ſure guide of that other precious experiment which our country has adopted with ſuch ſingular propriety, the principle of *confederation*. The union of theſe two theories, as organized in America, is a vaſt improvement on the wiſdom of former ages; and I cannot but hope that they will be ſo far cheriſhed by us, and imitated by others, as to change very greatly the face of human ſociety.

It is eſſential to the intereſts of America, and would be a compliment to her wiſdom, to ſee her political ſyſtem, in both its parts, adopted by other countries. It would be the ſureſt pledge of peace from abroad, and the ſtrongeſt guarantee againſt a relapſe of principle at home. But for ourſelves, there is one maxim which ought not to be forgotten: that theſe two pillars of the edifice, the repreſentative principle and the federal principle, ſhould never be ſeparated. Though one of them alone may promiſe liberty, and the other of them alone may promiſe peace, yet we cannot be confident that either liberty or peace will become extenſive or permanent, unleſs these well aſſorted principles are united in one ſyſtem, and kept inſeparable in their practice.

Let us convince ourſelves of this truth by examining the effect of each principle apart, as operating without the aid of the other. *First:* The federalizing of ſtates whoſe governments were monarchical or ariſtocratical, has not obtained any brilliant ſucceſs either in ancient or modern times.

The Amphictyonic Council of the Greeks was a body of ſo little conſequence in a political view, that it would not be worth noticing in this place, were it not for a certain practice among writers on government of ſeeking models for every thing in the annals of that pompous people.

The Amphictyons had no regular conſtituted authority, except in matters of religion. They never prevented a foreign war either offenſive or defenſive. It would be difficult indeed to ſay they never prevented a domeſtic war among the ſtates, becauſe ſuch a thing might be done with ſo little rumour as to eſcape the notice of hiſtory; but it is certain that they *excited* ſeveral domeſtic wars, and thoſe of the moſt cruel and exterminating kind, being wars of religion. On the whole it appears that this congreſſional inſtitution, notwithſtanding its ſolemn pretentions of confederating the ſtates of Greece, was more detrimental than beneficial to the people. Whenever their common country was invaded, whether by Perſians, Macedonians or Romans, about half the ſtates in every inſtance joined the invading enemy. The power of the Amphictyons was effectual only in directing, on certain occaſions, the united vengeance of ſeveral powerful ſtates againſt a weaker one, for having ſlighted the authority of the prieſts, for having put into cultivation certain lands which religion had devoted to ſterility, or neglected ſome frivolous or barbarous duty enjoined by an inſidious oracle.

As to the Corinthian, the Peloponeſian and the Acarnanian leagues, they were only alliances or

coalitions againſt an enemy, temporary in their nature, and not extenſive in their effects. The other examples from Greece which are sometimes cited as confederations, such as the Arcadian, the Beotian, the Elian and the primitive Achaian, present something more regular and permanent in their conſtitutions. But they were each of them too diminitive to merit the name of an aſſociation of ſtates. The primitive Achaian, for inſtance, was the union of twelve ſmall boroughs into one ſmall republic. It may be conſidered rather as a model of repreſentative democracy in a ſingle ſtate, than as a federal ſyſtem; and in this view perhaps it approaches nearer to modern republican repreſentation, than any other example left us by the ancients.

The subſequent, or great Achaian league was indeed an aſſociation of ſtates, whoſe object was laudable and well defined. It ſuffered leſs from a defect in its federal principle, than from the corruption of its members. It retrieved in a partial degree the liberties of Greece from the rapacity of Alexander's ſucceſſors, preſerved them with conſiderable energy for more than a hundred years, and finally yielded them with ſome appearance of dignity to the irreſiſtible fortunes of Rome.

The Lycian league was not unlike the latter Achaian, either in its object or its deſtiny. It cauſed itſelf to be reſpected by the Romans as long as the Romans retained any reſpect for themſelves; but no inſtitution could ſtand before the corruptions of their monſtrous and debilitated empire.

The Etruscans, and some other early tribes in Italy, had likewiſe their ſeveral confederations.—But their conſtitutions are ſo little known, and they refer to a ſtate of ſociety ſo different from ours, that for every purpoſe, except for diſplaying an empty erudition, their inveſtigation would be as uſeleſs to us as that of some of the native tribes of North America, the Six Nations or the Tlaſcallans. Examples of theſe imperfect aſſociations are not rare. It is probable that the hiſtory of the human race would preſent them in every corner of the earth, if its affecting and monotonous page could be completely laid open before us. They ſhow the feeble efforts of inexperienced ſocieties to defend themſelves againſt the effects of each others inexperience.

The German empire, the Swiss cantons, and the United Netherlands present us three great examples of the confederation of ſtates in modern Europe; the former ſtill ſubſiſting, the two latter but lately overturned. It requires but little obſervation to diſcern the conſtitutional defects in the Germanic body: it is a confederation of princes, and not of nations. With this radical vice in its organization it is impoſſible that its object ſhould be peace, or its policy juſtice; and without purſuing theſe, no ſociety of men can be tolerably happy, no union of ſtates can be ſincere, no portion of the earth can greatly increaſe its population, or preſent that progreſſive augmentation of benefits which nature has placed within our reach, and ſcience is teaching us how to realize. National happineſs is never the object of a ſtate,

where the intereſt of thoſe who govern is in any meaſure different from that of the people. The purſuits therefore of the Germanic princes are mutual encroachment, inſtead of mutual aſſiſtance; the object of their union is war, and not peace; their conſtitution is military, and not commercial. Hence all the compulſory proviſions that are made in it have reference to warlike preparations, contingences of men and money for recruiting armies and diſcouraging induſtry. There is no public proviſion made for the encouragement of uſeful arts and manufactures, no power lodged in the federal Diet for eſtabliſhing a general ſyſtem of canal or river navigation, for equalizing the duties on the objects of commerce, allowing a free exchange of the produce of labor, even in the moſt neceſſary articles of life.

There is no inhibition which prevents any prince or ſtate from beginning a war without the conſent of the Diet, from building forts and raiſing armies with the manifeſt intention to invade each others territory, from entering into foreign alliances and other treaties, for involving the empire in deſtructive wars. But, on the contrary, every facility and every temptation are held out for inteſtine wars among the ſtates as if no federal tie ſubſiſted between them; while their interior commerce from ſtate to ſtate is ſhackled with all thoſe reſtrictions which hoſtile jealouſy has invented among the moſt independent and ferocious monarchies of Europe.

Many other defects might be eaſily pointed out in the Germanic conſtitution. We may find ſome

of them in the books that treat on this ſubject; but where is the advantage of ſearching them? The fundamental defect, which is the ſource of all the reſt, is not noticed in any book, but ſtares us in the face on the firſt reflection: a confederation of princes ſtands no chance of being beneficial to the people. You might as well expect to render ſervice to the ſheep by confederating the wolves that ſhould be ſet to watch them.

The Swiss Cantons and the United Netherlands have been more fortunate in their federal ſyſtems. Conſidering the feebleneſs of the means with which they began, the quantity of force againſt which they roſe, and the weight of effort that has been frequently made to deſtroy them, they exhibit wonderful monuments of the efficacy of organized liberty in political bodies. Though the Swiſs Cantons had ſcarcely the appearance of a federal conſtitution, their acts of union being little more than treaties of alliance, which external danger generally kept them from violating; and though that of the United Netherlands was very imperfect, yet theſe were not the radical defects which brought on the decline and overthrow of either of their celebrated ſyſtems. The original defect, in each caſe, lay in the conſtitutions of the particular ſtates of which the union was compoſed. The repreſentative principle was originally unknown, and never underſtood in either country. Without this principle the people cannot exerciſe their rights, unleſs it be in the form of mobs; the neceſſary conſequence of which is to throw the active power into the hands of a few, where it ſoon be-

comes habitual and hereditary, no longer the property of the nation, and no longer exercised for her benefit. It would be as impracticable to eſtabliſh a rational ſyſtem of federal government among ariſtocratical ſtates, as among principalities or monarchies. For the principle is the ſame in each; the ſuppoſed intereſt of a few maſters, not the real intereſt of the people.

The plan for a perpetual peace, projected two centuries ago by Henry IV, new modeled and propoſed with great zeal in the early part of the preſent century by the abbé de St Pierre, and afterwards embelliſhed with the nervous eloquence of J. J. Rouſſeau, muſt have been a fruitleſs experiment, if attempted on the model of either of its illuſtrious patrons. The project was to league all the chriſtian powers of Europe in one confederation, guaranteeing to each its own form of government and its limits as then exiſting; to eſtabliſh a permanent Diet, compoſed of delegates from every ſtate, with power to ſettle all diſputes that might ariſe between the ſeveral ſtates; to prevent any of them from raiſing armies on their own account, building forts or fleets to act againſt each other, or forming any foreign alliances; but all exterior relations and all meaſures of defence ſhould be directed and managed by the general Diet, in the name of the confederacy.

It is poſſible that by the means which Henry had in his power this ſublime conception might have been realized ſo far as to organize the conſtitution and begin the operation, had not an untimely death prevented the experiment by depriving the

world of its author. Rouſſeau has detailed the reaſons why this project could not be carried into effect at any period ſince the days of Henry, nor by any influence ſhort of that which he poſſeſſed among the powers of Europe. But the ſame writer ſuppoſes that were it one adopted, its benefits would be ſo conſpicuous and univerſal as to ſecure its continuance. I queſtion the probability of this ſuppoſition. What could ſecure the members of this Diet from corruption? There is but one effectual mode of ſecuring them; and that is to make it the intereſt of none of the parties to corrupt them; no other principle can be relied upon with ſafety. In an aſſociation of this magnitude it is not enough that it ſhould be the intereſt of each of the aſſociated ſtates to preſerve the conſtitution; but it ſhould be the intereſt of thoſe who govern the aſſociated ſtates. Now as long as theſe were governed by hereditary princes, who had an intereſt in extending their private dominions to the detriment of each other, it muſt be expected that they would ſeek to encroach as much as poſſible, and violate the conſtitution by every means in their power. And as the federal government, if well adminiſtered, would prevent their doing it by force, the more effectual way would be to corrupt the members of the Diet, ſo as to palſy the operation of the conſtitution, ſuſpend its protection of the weaker aſſociates, and reeſtabliſh the *right of the ſtrongeſt*, as in the preſent ſtate of Europe. This is a favorite ſtate of ſociety for princes —a ſtate of hazard, inviting them to plunder, and ſo for expoſing them to be plundered in their turn,

as to afford a conſtant pretext for armies and navies. It is what they call independence; and notwithſtanding it leads them every day to commit crimes for which they would hang a hundred ſubjects, they will not agree to be reſtrained by law; though the ſame law would reſtrain their neighbors who prey upon themſelves; though it would greatly increaſe their revenues by increaſing the population and the quantity of productive labor within their dominions; and though it would greatly leſſen their expences, by reducing to almoſt nothing the conſtant preparations for defence.

But if the powers of government in every aſſociated ſtate were in the hands of the people, in whom the right reſides, and if theſe powers were exerciſed in all caſes by an equal repreſentation. freely choſen and frequently renewed, then would there be no perſon intereſted in extending the limits of any one ſtate to the detriment of another; then would no perſon attempt to corrupt the Diet to violate the compact, and throw Europe back into a ſtate of national animoſity and princely plunder; then the farmer would be on his own farm and the artizan in his own ſhop; and whether his habitation were included in the limits of Pruſſia or of Auſtria, whether it were called proteſtant or catholic, would not be to him a matter of intereſt; he would find equal protection in each diſtrict, by laws made and obeyed by his own delegates.

A confederation of ſtates whoſe interior governments ſhould be founded on theſe principles might indeed extend through Europe with the project of Henry IV, and be as laſting as was imagined by

the fervid benevolence of St. Pierre; but it would not be a confederation of hereditary proprietors of nations.

Hence we may conclude, ſo far as the experience of mankind will enable us to judge from practice, and ſo far as the nature of the caſe will ſtrengthen our concluſions from theory, that no conſiderable advantage ought to be expected from the federal principle among ſtates, unleſs the ſtates themſelves are conſtituted on the repreſentative principle; ſo as that the ſyſtem in both its branches may be the work of the people, carried on for their benefit, by perſons of their own choice and under their own control.

Second: In the other branch of the preſent examination, to diſcover the effect of the repreſentative principle, without the aid of federalizing, we ſhall receive but little light from the experience of any nation. There is no example within my knowledge, of a complete repreſentative government of an elder date than thoſe of our own country; and thoſe were effectually federalized as ſoon as they were formed, or before. It is true that the governments of Connecticut and Rhode-Iſland were as perfectly repreſentative before the American revolution as they are now; and ſome other of their ſiſter colonies had been at ſome periods nearly ſo. But their common tie with the monarchy of Great Britain anſwered ſome of the purpoſes of a federal union. They were not independent; and no ſtate on earth, in my opinion, ought to be called independent. For as no ſtate can really be ſo in

fact, it is only a ſource of falſe ideas and of endleſs calamites to have them ſo in form.

France, and the other new republics in Europe, cannot be ſaid as yet to have had much experience of the repreſentative principle. Their practical governments are hitherto revolutionary; and muſt of neceſſity continue ſo till the end of the revolutionary war which has been excited to deſtroy them.

There being therefore no example of real repreſentative government, except in the American States, and theſe being united by ſtrong federal ties, we are driven to theoretical inquiry alone for the opinion we ought to form of the operation of the republican principle among individual and unconfederated ſtates.

We ſhould begin by obſerving that ſuch ſtates muſt neceſſarily be ſmall, for the reaſons already noticed; otherwiſe the repreſentative energy cannot be well preſerved, nor the benefits of equal government be experienced by every portion of the people. If the ſtates are ſmall, their territories contiguous and their governments independent, they will neceſſarily be rivals; there will probably be mutual reſtrictions on their trade, for the ſake of revenue; there will be forts and armies and generals; it will not be long before ſome citizens in each ſtate will conceive themſelves to have a private property in their reſpective governments, and an intereſt in extending the dominion of their own ſtate, to the detriment of the others; they will have ſycophants to flatter this fatal ambition, places and patronage at their diſpoſal, and a number of

new departments and their appendages to be created at the moment of a rupture with their neighbors.

The firſt cannon fired between two rival ſtates in this ſituation may be taken as the ſignal of the departure of liberty from them both. The power in each ſtate becomes military; military power is neceſſarily concentred in a few hands, where it ſoon becomes hereditary. The reſt of the hiſtory of ſuch ſtates might as well be written before they exiſt, as after they are extinguiſhed. But it would not be worth writing at all; it would be but the repetition of ſome indifferent chapter in the great hiſtory of deſpotiſm and war.

Since then, my fellow citizens, it is to you that we muſt turn for the beſt practical leſſons on the ſubject of government, in both the principles on which your ſyſtem is founded, you will at leaſt acknowledge the importance of maintaining thoſe principles. And I hope at the ſame time that you will not be averſe to making ſuch improvements in your ſituation as the nature of your ſyſtem will admit, without changing its theory. Your objects are: 1, to ſecure the continuance of interior liberty, in the United States: and 2, to take ſuch an attitude in vindicating your commercial liberty, as to gain the confidence of other powers, and lay the foundation of perpetual peace, at leaſt between you and them, poſſibly between all commercial nations. Theſe two objects are ſo eſſential to your own proſperity, and at the ſame time ſo accordant with that deſire which is natural to uncorrupted minds, of extending benefits to other ſections of

the human race, that you will indulge me in a few obſervations upon each.

I.

The means of ſecuring interior liberty in the United States.

I will not go into an examination of the ſtate conſtitutions, nor propoſe to your conſideration thoſe amendments of which ſome of them appear ſuſceptible; becauſe it is at all times a delicate ſubject; and to give it a candid diſcuſſion requires a moment of leſs fermentation than the preſent. It is not a work of immediate neceſſity; though ſome parts of it ſhould not be neglected till your population is very greatly increaſed, and till certain habits founded on conſtitutional defects become too inveterate to be eaſily removed. But there are other objects of a more general concern, which may be noticed with leſs danger of giving offence; and which doubtleſs demand an early attention.

The face of things in North America is changing ſo exceedingly faſt, that every political ſtep you take ought to have a ſpecial reference to the time to come, as well as to the time preſent.—No government ſhould have ſo little to do with temporizing, and ſo much to do with ſyſtem, as that of the United States. The ſcience of political perſpective ought to be rendered familiar to thoſe who aſpire to be your guides; ſo that the great events which are ſure to happen, may be claſſed and meaſured, and their places aſſigned them, before they come into being. Without this

precaution, it would be impoſſible to go right; with it, the taſk of governing would be ſo eaſy, that honeſt men would ſcarcely go wrong. The approaching changes in our ſituation ſhould be diſtinctly noticed, and their conſequences profoundly meditated. 1, Our nation is young in reſpect to the date of its independence, the habits of thinking incident to this condition, and the trial we have had of our political inſtitutions. 2, One half of the territory within our limits remains unoccupied; on the other half the population is ſmall, compared with what it is capable of becoming; and the increaſe muſt be rapid. 3, Extenſive and flouriſhing colonies are ſpringing up beyond our frontiers in every direction. Theſe are of various extraction, principally Spaniſh, French and Engliſh; all of them, from the impulſe given them by their mother countries, are doubtleſs unfriendly to us; but all of them, from real intereſt, ſimilarity of circumſtances and future inevitable events, are capable of becoming our natural and beſt friends, and, with proper management, our fellow citizens. Not many years can paſs before theſe colonies will ſhake off their foreign dependence, and burſt the ties which now bind them to European governments.

Theſe are ſome of the principal circumſtances to be conſulted in ſupporting the interior of our ſyſtem. The events are eaſy to foreſee; they muſt be provided for; and it depends on you from this moment to ſay whether they ſhall redound to our advantage, and to the extenſive benefit of ages and nations; or whether they ſhall bring deſtruc-

tion to our hopes, and overturn the faireſt fabric of human policy that the world has hitherto ſeen.

I will waſte no arguments in proving that it is eſſential to the intereſt of the United States to continue their federal union, whatever may be the increaſe of population and the addition of new ſtates within our preſent limits. Taking this to be a poſition which will not be denied by thoſe for whom I write, I will content myſelf with noticing the means by which alone the union can be preſerved.

Firſt: The United States, to maintain their federal ſyſtem entire, through all their limits, and under approaching circumſtances, *muſt be out of debt*, or nearly ſo. The annual call for money, for federal purpoſes, muſt be moderate. Otherwiſe the people in different diſtricts, who ſee with what ſimplicity and economy their own ſtate governments are carried on, and who know that much the greater part of their real intereſts are regulated there, will begin to calculate, and inquire whether their part of the expences of the confederation does not exceed its benefits. Such inquiries indeed would be of a nature not to be purſued with the utmoſt fairneſs; nor could we expect calculations of this ſort to be conducted with all that foreſight which the ſubject would require. There is no doubt but prudence would dictate to any diſtrict of the Union to ſubmit to very great expences, rather than withdraw from it, and become a rival nation. But experience teaches us that in political reſentments we are not to expect much prudence or true policy.

To keep the frontier diſtricts attached to the union, we muſt rely more on their paſſions and

their ſenſe of preſent convenience, than on their prudence and their calculation of future convenience. We ſhould not forget that the United States are to be held together by intereſt, not by force. And the federal government ſhould conduct its operations in ſuch a manner as that this intereſt ſhall always be felt by every ſtate, and act upon the inhabitants, as a ſteady principle of union; ſince there is no other on which we can depend.

In the old governments of Europe the people of different diſtricts are held together under one head by the cooperation of ſeveral cauſes which do not exiſt with us. A military force, or a ſtanding army, acts as a conſtant preſſure on them, both by the terror it excites and the great number of places it offers to the nobility and the ambitious of every claſs. To this is added a ſuperſtitious veneration for a reigning family, who never fail to be painted to their ſubjects as the centre of every virtue and the particular favorites of heaven; ſo that withdrawing from their government is conſidered as rebellion againſt God. Then comes the enginery of a ſtate religion which is kept in continual play by a hoſt of artful men, who teach that every thing beyond their own dominion is heretic and reprobate. And farther to diſcourage every wiſh for a change, the people are ſo hemmed in by nations as miſerable as themſelves, that they perceive that great taxes and other vexations are not to be avoided by ſhifting their allegiance, and looking to the right, inſtead of the left, for the centre of their government.

We ſhall deceive ourſelves exceedingly if we ſuppoſe that any of theſe cauſes are to operate in the weſtern and ſouthern diſtricts of the United States. Our ſyſtem of policy does not admit of ſtanding armies; and if it did, we could not ſupport one ſufficiently ſtrong to reſtrain a whole people who have arms in their hands, who ſhould think themſelves oppreſſed, and determine to be free. No ſuperſtition, that is likely to be laſting or extenſive, is yet eſtabliſhed among us in favor of any one man or family; for notwithſtanding the pains that are taken to deify ſome of our citizens, and to propagate an opinion that they can do no wrong; theſe efforts are ridiculed by the maſs of people whom they were intended to deceive. As to religion, the ſects are ſo numerous in America, and the people are ſo convinced that whatever concern they may have in it muſt be perſonal and not political, that the general government cannot hope to eſtabliſh a uniformity of worſhip, and therefore can never make of it a powerful engine of ſtate. And with regard to the laſt article above mentioned, that of being ſurrounded by nations habituated to oppreſſion, this is totally wanting in our country. If therefore the federal government becomes oppreſſive to the people of the frontier ſtates, or only appears to be ſo, there is no other example of oppreſſion in their neighborhood with which to compare it; their reaſoning in this caſe will be very ſhort: "Nothing binds us to this boaſted Union; it is at leaſt an inconvenience to us; let us ſhake it off, and be our own Union; or, if we are not ſtrong enough for that, let us

form another with the Spanish or English colony in our neighborhood, where every encouragement is held out to us; where, having no national debt, we shall have no taxes but for the current expences of a government, which, being of our own formation, shall be kept within the bounds of economy."

These good people will not perhaps reflect on the immense inconveniences which would afterwards arise both to them and us from our new condition of two or more rival nations, bordering on each other, having each an extensive line of forts and garrisons and standing armies and frequent wars to maintain; which would inevitably plunge us all into the gulf of monarchy, nobility and priesthood; from which we never could arise, or regain the ground we should have lost.

Should this letter reach the inhabitants of the frontier states and districts of our common country, I beg, on the one hand, that they will not be offended at the apprehension I express that a disposition may one day arise in them to dissolve their union with their sister states; and that they will pardon my fears if no such event is likely to occur. But, on the other hand, if these apprehensions are well founded, I intreat them to listen for a moment to the voice of the most disinterested friend that will probably ever discuss the subject.

Let them look at the condition of Europe, and contemplate its history through the bloody series of modern ages. It is divided into rival states, that call themselves *independent*; which is another word for the ferocity of savage life, and a licence for organized violence. These states are separated

from each other by triple or quadruple ranges of fortified towns, whose inhabitants, from age to age subjected to military law, are shut up at night like cattle, and pursue their labors by day under the shade of the bayonette, within the view of an insolent soldiery, whose ranks are supplied by draining the country of its best young men, and whose pay and provisions are drawn from the hard industry of those who remain behind.

The commerce of these independent nations is so harrassed with duties and imposts in passing through different dominions, that very little of it can be carried on. A barrel of sugar, brought into the middle of Germany, must have paid at least six or eight different taxes. And when the consumer has any produce of his own labor to send abroad, it is loaded with as many more burthens, before it can arrive at market.

Such is their condition in their best times, the times of peace; but in the years of war, which are about half the years of every generation of these unhappy men, immense armies are set in motion; whole countries are overspread and exhausted by the marches of successive hordes of friends and enemies, confederates and allies; whose undistinguished voracity excites equal terror among the inhabitants. Sieges, battles, hospitals, prisons, pestilence and famine, sweep off half the population of each country, and force their princes at last to a temporary cessation of butchery, which they call peace. Perhaps the halves of some provinces are severed from one dominion, and annexed to another; and this they call conquest. This

occaſions a new line of frontier, and new ranges of fortifications to be run through an interior country, cutting up the cultivated fields, and forcing the owners (who cannot fly from the devaſtation) to work at the new trenches and ramparts, to prepare this transfiguration of nature, and be ready for another war.

This picture is not overcharged; and if it ſhould be thought inapplicable to the preſent ſubject, becauſe modern Europe is governed by hereditary princes, and the projected independent governments of America expect to be republics, let us look back for another example to the ſtates of ancient Greece. Thoſe ſtates were moſt of them called republics, and were independent of each other; and among the five or ſix hundred years of their political exiſtence, from the commencement of hiſtory till they became a Roman province, I believe there was not a ſingle year when they can be ſaid to have been completely at peace among themſelves. No; the evil is not altogether in the nature of the interior government; though this in itſelf, when bad, is a great ſource of calamities; a ſtill greater ſource, if poſſible, is in the independence and rivalſhip of neighboring governments. What a long and uninterrupted ſeries of wars between England and Scotland was arreſted by the union of the two crowns, and afterwards of the two kingdoms! And how much more extenſive and more lamentable would have been the ſcenes of ſlaughter among the American States, had we left them independent of each other, after effecting their independence from Great Britain!

Since, then, we have found the means of avoiding theſe diſaſters,—ſince we have eſtabliſhed a union of intereſts and of ſtates, which may bid defiance to every poſſible enemy but ourſelves, ſhall we not have the wiſdom to preſerve this union? Shall we, on the one ſide, indulge in the prodigality of increaſing our debt, and in a proud indifference to the opinions of an irritable and powerful portion of the nation; and on the other ſide, will that portion run wild with an untimely reſentment, and not conſent to a ſmall and temporary ſacrifice, rather than plunge themſelves and their brethren, with all their intermingled poſterity, into calamities without meaſure and without end;—calamities which are inſeparable from a disjunction of the ſtates, and the frightful experiment of independent and rival governments, whoſe tempers will have been already imbittered by the act of ſeparation?

It is doubtleſs to be lamented that the debt of the United States has riſen to ſuch a formidable ſize; and that there ſtill ſeems to be a diſpoſition to increaſe it from pretences ſo frivolous as to be clearly ſeen through by thoſe whom they were intended to blind and miſlead. It is impoſſible that the ſmalleſt portion of the American people has been made to believe that there was any conceivable danger of an invaſion from France; and the reſentment occaſioned by the creation of that part of the debt which has been raiſed on this pretence muſt therefore be ſharpened by the impudent attempt to impoſe on their underſtanding.

That great and wanton augmentation of the federal debt in the year 1790 which aroſe from the

aſſumption of thoſe of the individual ſtates, was founded on a very ſingular argument: it was ſaid that this meaſure would have a tendency to cement the federal union. Why was it not foreſeen that preciſely the contrary muſt be the effect. While the ſtate remained the debtor and its own citizens the creditor, neither of them could find relief by withdrawing from the union; the citizens in fact were all debtors, and as many of them as choſe to be were creditors. But now they would both find relief by withdrawing; for by that act all the citizens of the withdrawing ſtate would ceaſe to be debtors, while the creditors would remain the ſame. Theſe would have only to ſell their ſtock and receive payment; and then that ſtate would have nothing more to do with the burthens of the late war, nor with the ſubſequent accumulation of the national debt. If there can be an argument proper to engage a ſtate or diſtrict to withdraw from the union, this is certainly one.

Perhaps I miſtake the preſent temper of the American people; but it appears to me that the greateſt riſk we run of a diſmemberment of the empire, ariſes from the magnitude of the debt. There are many other reaſons why its progreſs ought to be arreſted where it is, and the capital diminiſhed as faſt as poſſible; but the greateſt of all reaſons is the preſervation of the federal ſyſtem, on which our liberty and happineſs moſt eſſentially depend. This argument I apprehend has not been ſufficiently attended to.

Beſides the magnitude of our debt, the manner of funding it has had a pernicious influence on the

policy of our government with foreign power. The payment of the intereſt was made to depend in a great meaſure on the duties to be levied on imported merchandiſe, which were by law appropriated for fifteen years to this object. This made every ſtock-holder a partizan of our commercial connections with that country whoſe commerce with us was ſuppoſed principally to ſecure this revenue; however injurious thoſe connections might become to the general intereſt of the United States. It is greatly owing to this unfortunate meaſure that our commerce has ſuffered ſo much during the preſent war from Engliſh and French depredations. For no one will deny that the latter were occaſioned by our tame ſubmiſſion to the former.

Second: As the government belongs to the people, and not the people to the government, it is proper that the latter ſhould be as accommodating as poſſible with regard to the place of its reſidence. The exiſting law, by which the Congreſs has pledged itſelf to remove to the Federal City at a certain time, ought to ſuffer no delay in its execution, after that time arrives. If that law had carried the Federal City eighty or a hundred miles farther up the Potowmac, it would have been ſtill more central, and doubtleſs would have had a greater effect in preſerving the union entire.

The article is trifling in itſelf; but every thing in this world goes by appearance. It would have been a mark of attention, a complaiſance, an accommodation to our weſtern brethren, that would have been worth millions in fixing their affections. It is doubtleſs too late to think of changing the re-

ſolution already taken by the legiſlature; but it would doubtleſs be impolitic to admit of a new delay, as many perſons apprehend, in carrying it into effect.

Third: The opening of roads, and the improvment of water communication between the central and the frontier ſtates ſhould be an object of conſtant ſolicitude, not only to the ſtate legiſlatures and to congreſs, as far as may be in their power, but to patriotic individuals and companies, wherever they can reconcile private intereſt with ſo great a public benefit.

A facility of intercourſe for the objects of commerce, travelling and the tranſportation of letters, would have a powerful effect in aſſimilating our manners, and inſpiring that confidence and friendſhip ſo neceſſary to the political union of men who feel themſelves able at all times to change their connections at pleaſure.

A ſyſtem of ſmall canals, as projected by one of our moſt eſtimable citizens, on a plan ſo extenſive as to take place generally of public roads in the moſt frequented routes, may one day be preſented to the conſideration of the federal government. This is not the moment to enter into the development of the project, either in its political or its fiſcal operation. I will only obſerve that in both theſe views it would greatly ſerve to harmoniſe the intereſts of the ſtates, and to ſtrengthen their preſent union.

Fourth: A univerſal attention to the education of youth, and a republican direction given to the elementary articles of public inſtruction, are among

the moſt eſſential means of preſerving liberty in any country where it is once enjoyed; eſpecially in the United States. The repreſentative ſyſtem muſt neceſſarily degenerate, and become an inſtrument of tyranny, rather than of liberty, where there is an extraordinary diſparity of information between the generality of the citizens and thoſe who aſpire to be their chiefs. And as to the federal ties between the different ſtates, how ſhall they be maintained but by extending the views and enlightening the minds of thoſe whoſe votes are frequently to be conſulted, and whoſe actions are always irreſiſtible by their numbers, and the direction which they take.

Ignorance is every where ſuch an infallible inſtrument of deſpotiſm, that there can be no hope of continuing even our preſent *forms* of government, either federal or provincial, much leſs that ſpirit of equal liberty and juſtice on which they were founded, but by diffuſing univerſally among the people that portion of inſtruction which is ſufficient to teach them their duties and their rights.

We muſt not content ourſelves with ſaying that education is an individual intereſt and a family concern; and that every parent, from a deſire to promote the welfare of his children, will procure them the neceſſary inſtruction, as far as may be in his power, which will be enough for their ſtation. Theſe aſſertions are not true; parents are ſometimes too ignorant, and often too inattentive or avaritious, to be truſted with the ſole direction of their children; unleſs ſtimulated by ſome other motive than a natural ſenſe of duty to them.

Neither is it merely a family concern ; it is a civil, and even a political concern. The legiſlator and the magiſtrate neglect an eſſential part of their duty, if they do not provide the means and carry them into effect, for giving inſtruction to every member of the ſtate.

This may be done with very little expence, and with much leſs trouble than is generally imagined. The ſubject appears to me to be too much neglected in the United States in general, conſidering that the preſervation of liberty depends in a great meaſure upon it.

Fifth : What ſhall we ſay of thoſe gigantic colonies that are forming on our frontiers, to the weſtward of the Miſſiſippi and to the northward of the lakes ? Theſe are germs of empire which offer an immenſe field of meditation to the American politician. How ſoon, and by what combination of events, are they to become independent ſtates ? When that day arrives, are they to be our rivals, and conſequently our enemies, after the example of the ſtates of Europe ? Or can the way be prepared and they be perſuaded to adopt our principles, to form with us a great union of political intereſts, and make of the whole but one confederated empire ? Theſe queſtions hurry the mind into an awful train of thought, which is difficult to methodize and delicate to communicate. Yet no branch of the inquiry is uſeleſs ; ſince it contemplates an event the moſt important that can probably affect our Conſtitution ; and one which a prudent conduct on our part may modify in a very conſiderable degree. I do not mean that it

will be our duty to interfere in their preſent concerns, or to take any part in any diſpute that may happen between them and their parent governments, with a view to haſten or retard the moment of their ſeparation. But it is eſſential that we ſhould ſo conduct our own affairs as to ſet them ſuch an example of rational liberty and public happineſs, as they cannot fail to admire, and muſt therefore wiſh to partake.

Our frontier ſtates, which border on theirs, muſt neceſſarily entertain an intimate and extentive intercourſe with them. Reciprocal migrations and intermarriages will be numerous between them; their commerce will be active; their manners, language, and modes of education will be the ſame on both ſides. The probability is that if we do not induce them to join themſelves to us, they will induce ſome of our extenſive diſtricts to quit us, and join with them.

But if at that day the United States ſhould be clear of debt, and ſhould exhibit the ſingular phenomenon of a wiſe, impartial and energetic government, reſerving ſo much power to individual ſtates as ſhall enable the people to regulate the great maſs of their moſt intereſting concerns at home, where they are beſt underſtood, and yet continuing a ſufficient force in the federal head to enſure at all times the means of giving protection and obtaining reſpect,—there can be no inſuperable objection, and there may be a powerful inducement, for thoſe new nations, to form their ſtate governments after the model of ours, and to join our confederation.

I am aware of the inconvenience that might arife from the magnitude of this projected empire ; as the colonies in queftion are fpreading over a furface at leaft equal to that of the prefent United States. The objection is weighty ; but my anfwer is at hand : by encountering this inconvenience, which is new, and therefore formidable in appearance, we avoid thofe that are infinitely more ferious ; though from being familiar and thought unavoidable, they are lefs attended to. There is no political inconvenience fo great as the neighborhood of independent and rival nations. Their commercial reftrictions, their military preparations, their fortified frontiers, their interfering jurifdictions, their whimfical and undefinable points of honor, give fo many occafions of difpute in the minds of paffionate or ambitious men, that fuch nations, if not always at war, muft be always in fuch a warlike pofture, as to prefent a perpetual image of the favage ftate, degrade the morals and devour the fubftance of the people.

Befides, I apprehend that if we well confider the nature of a federal government we fhall have lefs reafon to dread the extenfion of its limits. The objects of its legiflation are few, according to our prefent fyftem ; and I have no doubt but this might ftill be fimplified, without rifk of leffening its energy. If its fimplification fhould be found practicable, this circumftance may add to the inducements that our neighbors may one day have to join us in federation, and may diminifh on our fide the inconvenience which many will apprehend from the firft view of the cafe.

Though the Achaian and the Lycian confederacies were the moſt perfect that hiſtory has tranſmitted to us, we ought to recollect that the former was overturned by refuſing to admit the ſtate of Sparta as a member; and the deſtruction of the latter was brought on by its excluding ſixty cities which deſired to join it.

The intereſt we ſhall have in inducing new nations to join our union, inſtead of being our rivals, is a ſtrong argument, in addition to many others, for preſerving at leaſt as much power to our individual ſtates as they now poſſeſs, and for not ſuffering any encroachment from the federal government. It is convenient, as well as inviting, for every ſection of a free people to regulate as many of their own affairs at home as is conſiſtent with the intereſt of the whole. And when their federalizing with us depends on their own choice, they will be more likely to do it if the requiſite ſacrifice of power ſhould be ſmall than if it ſhould be great.

I hope none will infer from the obſervations in this article, that I am an advocate for *conqueſt*, in any caſe whatever; and ſtill leſs that I would extend the limits of a dominion by colonies and foreign poſſeſſions. Nothing is more deſtructive to liberty, both at home and abroad, than this ſort of policy. There is no doubt (all other circumſtances being equal) but ſmall dominions are preferable to large ones. It is only to avoid the greater evils of the independence and rivalſhip of ſtates, that I would conſent to an extenſion of limits. And this would be ſcarcely tolerable, but on the federal plan; which I regard as one of the moſt uſeful

and moſt conſoling experiments to be found in the hiſtory of government. There is no knowing yet to what extent it may be carried.

Sixth: The more I reflect on the nature of political liberty, the more I am convinced that a military eſtabliſhment of any magnitude is extremely incompatible with it. The moſt effectual way of preventing this, as well as the ſureſt mode of providing for the defenſe of the country, is by a univerſal attention to arming and diſciplining the militia. When every citizen is a ſoldier, every ſoldier will be a citizen. Military exerciſe, to a certain degree, ſhould be conſidered as a part of education; and though a ſubordinate part, it ſhould not be neglected.

But it is happy for us that military life, as an excluſive object, is not yet become a profeſſion in the United States. There are very few evils of a political kind that would be more ſubverſive of their liberty. Ambition, which has been ſo deſtructive to national happineſs, could ſcarcely be taken in a bad ſenſe, but for its uſual aſſociation with military fame. And if excellence in warlike achievements, in themſelves conſidered, without regard to the cauſe, ſhould once become an object of purſuit with the young men of America, it would ſoon be found impoſſible to keep us out of unneceſſary wars, and all the miſeries and degradations of character that they entrain. The epidemy would ſeize, as uſual, the richeſt and moſt influencial families; the rage would become faſhionable; it would be made an object of real profit, as well as of ſuppoſed honor. And how many votes,

in the freeſt governments in Europe, have been given for war, from no other motive than that of placing ſons, brothers, couſins, or the voters themſelves?

War has hitherto been conſidered in America, I believe by every claſs of people, as a calamity to be avoided in all poſſible caſes by all rational means. It probably may be avoided, as long as we are out of the neighborhood of independent nations; and as long as the ambition of our leading men ſhall be directed to the true intereſts of ſociety.

II.

The means of vindicating our commercial liberty.

I noticed to you in my former letter that the American commerce, ſo far from requiring the protection of a navy, was of a nature capable of protecting itſelf and us againſt the aggreſſions of all thoſe powers with which it is principally carried on. This idea requires ſome developement, which I will endeavor to give it in this place; and I do not deſpair of eſtabliſhing the principle ſo clearly, that it may ſerve as the baſis of a ſyſtem which you will mature in your cooler moments, and carry into practice on all future occaſions.—When preſent paſſions ſhall have ſubſided, and an interval of peace ſhall be reſtored to Europe, there will be a proper occaſion for you to come to a definition and declaration of the rights of neutral commerce; and at the ſame time to declare the manner in which you will defend thoſe rights.

With regard to what are the rights of neutral commerce, and what in my opinion ought to be ſo declared and maintained by you, I cannot expreſs my ideas with more preciſion than I have done in a memoir and the project of a declaration written at the deſire of one of the members of the French government a few days ago, at the moment when they were framing their new conſtitution. Our intention then was to cauſe ſuch a declaration to be prefixed to the conſtitution. But that work was to be hurried through with ſo much precipitancy that its authors concluded to adjourn to a future day, as a ſubject of conſideration to the legiſlative body, the declaratory act firſt propoſed to be conſecrated in a more ſolemn form. I will ſubjoin a copy of the memoir and propoſed declaration, as an appendix to this letter; only obſerving that, by what I can diſcover of the prevailing diſpoſition of this government, the principles therein contained are gaining ground, and will probably one day be enacted (1).

Although it would have been deſirable that France, or ſome other firſt rate power in Europe, ſhould take the lead in eſtabliſhing doctrines which tend to ſo great a change in the maritime law of nations, yet the poſition of the American government is ſuch, that it is not neceſſitated to wait the deciſion of any foreign power, before pronouncing its own. For of all ſubjects touching the law of nations, it is that on which it is the moſt eaſy to diſcern what is right; and of all governments in

(1). It would facilitate the intelligence of what follows, to read the appendix before proceeding with the letter.

the world, that of the United States is the beſt able to carry into effect its own deciſions on that ſubject. You have only to mark out the ground which is juſt; and that ground is tenable by you. Refering then to the Appendix for what I have to obſerve on the nature of the rights to be defended, I will cloſe this letter by ſuggeſting the moſt elegible means by which you may defend them.

Had the French Republic adopted the projected declaration, I intended, in conſequence of the invitation held out in the ſeventh article, to put into ſome channel of conſideration a propoſition to the following effect:

"There ſhall be a treaty, called *the Maritime Convention*, formed by and between as many powers as may chooſe to be parties to it in the firſt inſtance; and it ſhall be afterwards acceded to indefinitely by ſuch other powers as may at any time think proper to ſubſcribe to its conditions.

"The object of this Convention is: 1, To define and declare the rights of neutral commerce; which ſhall be done in the inſtrument itſelf: 2, A general and mutual guarantee of thoſe rights among the parties by the operation of commerce alone; without reſorting to an armed force by land or ſea, in any caſe provided for in this Convention. But if ſuch reſort ſhould hereafter be found neceſſary, it may be authoriſed and regulated by a ſubſequent treaty, which ſhall be regarded as ſupplementary to this, and predicated on the practical inſufficiency of the penalties herein preſcribed. Theſe I preſume however, for the reaſons I am going to explain, will always be found ſufficient; and in ſuch

caſe it would doubtleſs be more detrimental than beneficial to provide for any armament at all.

" To effectuate this mutual guarantee among the parties, there ſhall be eſtabliſhed a *Chancery* of the Maritime Convention, compoſed of one delegate from each contracting power, to aſſemble at ſome convenient place not within the limits of any of the great maritime nations, but if poſſible in one of the Hanſeatic towns. The Chancery ſhall be always in ſeſſion in time of war; that is to ſay, when one or more of the contracting parties, or any other maritime Power of Europe ſhall be at war. When no ſuch war exiſts the Chancery ſhall name, out of its own body, a committee of vacation; which ſhall remain permanent during the time of peace. The nomination of the committee of vacation ſhall be notified to the ſeveral contracting parties; its powers ſhall be the ſame in peace as thoſe of the whole Chancery in war; and it ſhall have moreover the power of convoking the other members on extraordinary occaſions.

" If the rights of neutral commerce as declared by this Convention ſhall be violated, in the property of any one of the contracting parties, or in that of their citizens or ſubjects, by the order or by the citizens or ſubjects of any other of the contracting parties, or by thoſe of any other power not a party to this Convention, complaint thereof ſhall be made within a reaſonable time by the power offended, both to the Chancery of the Maritime Convention, and to the offending power, accompanied always with ſuch proofs as the nature of the caſe will reaſonably admit. The Chancery

ſhall decide on the firſt view of the caſe, and without citing either party, whether the complaint is well founded or not; and, if well founded, it ſhall immediately decree the ſum of damages in money which it ſhall find to be juſt, and ſhall notify the ſame to the offending power.

" If within three months after notification made to the offending power, it being in Europe, or in ſix months, it being in America, the full ſum decreed in damages is not paid into the hands of the Chancery, then the offending power ſhall be declared by the Chancery to be under *the Ban of Commerce*, until full payment ſhall be made, not only of the ſum already decreed in favor of the complainant, but of the other ſums forfeited to the other contracting parties by this neglect, and payable as compenſations, as explained below.

" The effect of the Ban of Commerce declared by the Chancery ſhall be, that every power, being a party to the Maritime Convention, ſhall withdraw all commercial intercourſe from the bandicted power, its citizens and ſubjects, until the Ban ſhall be removed by the declaration of the Chancery.— Which removal of the Ban ſhall be made immediately on payment being received of the ſeveral ſums before mentioned.

" By withdrawing all commercial intercourſe, in the ſenſe of this Convention, is underſtood prohibiting the veſſels of the bandicted power and thoſe of its citizens or ſubjects, or any goods, wares or merchandiſe of the produce or manufacture of their country or dominions, to enter the ports or country of the party withdrawing ſuch intercourſe; and

likewiſe prohibiting its own citizens or ſubjects from frequenting the ports or places of the bandicted power, refuſing to clear any veſſel, whether national or foreign, for any ſuch port or place, and laying them under bonds not to frequent them during any voyage for which a clearance may be granted. But the obligation to withdraw commercial intercourſe ſhall not neceſſarily extend to recalling ambaſſadors, other public agents or conſuls.

" In caſes where payment is compelled by reſorting to the Ban of Commerce, the offending power ſhall be held to pay to the Chancery for each contracting party which ſhall have concurred in executing the Ban (as a compenſation for damages done their commerce in executing the ſame) a ſum equal to the ſum decreed in favor of the offended power. A new decree to this effect ſhall go forth with the declaration of the Ban of Commerce ; and the ſame Ban ſhall be continued till theſe ſeveral ſums, together with the one firſt decreed, ſhall be acquitted.

" But although, for the ſake of expediting the operations of the mutual guarantee contemplated in this Convention, it is ordered that the Chancery ſhall pronounce immediately on the *ex parte* hearing of the firſt complaint, and ſhall ſuffer no delay in executing its decree, yet it is provided that the ſum paid on ſuch decree for the complainant, if paid without reſorting to the Ban of Commerce, ſhall remain in the hands of the Chancery for ſix months, to wait a reclamation and a rehearing of the cauſe ; which ſhall always be had by the party paying, if demanded within ſix months after volun-

tary payment. And on this trial both parties ſhall be invited to appear. But in no caſe ſhall final judgment be delayed more than one year after ſuch payment. From this final judgment of the Chancery there ſhall be no appeal; and the money ſhall be paid over without delay to the party having right. Sums paid for the other contracting parties as compenſations for executing the Ban ſhall never remain in the Chancery, but ſhall be paid over to them without delay, and cannot be reclaimed.

"When the Chancery on the final hearing ſhall reverſe its firſt judgment, and reſtore the money to the reclaimant, it may likewiſe decree an additional ſum in damages againſt the firſt complainant, as a fine impoſed on him, if there be cauſe; that is to ſay, if his complaint ſhall finally appear to have been ill founded, and brought with a fraudulent deſign. The ſum of damages ſo decreed ſhall in no caſe exceed the amount of the firſt decree; it ſhall be notified in the ſame manner, a like term ſhall be allowed for payment, and the ſame mode of compulſion, by declaring the Ban of Commerce, as before preſcribed. On final payment to the Chancery, the ſum ſhall be paid over without delay to the party having right. And in caſes where payment of damages ſhall be compelled by reſorting to the Ban of Commerce, an equal ſum ſhall be paid to each of the powers executing the ſame, as in caſes of firſt decrees. But there is no rehearing of a cauſe where payment on the firſt decree has been compelled by the Ban of Commerce.

"The penalty and mode of compulſion here propoſed, for a breach of the Maritime Conven-

tion, appear to me abundantly ſufficient for the object, whether of prevention or atonement: 1, becauſe they are of a nature ſimilar to the offence,—a commercial deprivation for a commercial violence: 2, becauſe thoſe maritime powers, which are moſt likely to commit theſe aggreſſions, are the moſt dependent on that extenſive intercourſe and exchange of commodoties, of which the Ban of Commerce would be a ſudden and almoſt inſupportable ſuſpenſion; indeed moſt of our nations have now become ſo commercial, that no greater evil could be inflicted on them by their neighbors, than what is here contemplated, provided this Convention becomes as general as may be expected: 3, becauſe the great objection to the Armed Neutrality of the year 1780, and what would always prevent ſuch a plan from being carried into effect on a ſcale ſufficiently great to produce any permanent amelioration, was the unwieldineſs of the compulſory meaſures neceſſary to command reſpect. To ſeek redreſs in all caſes by arms, and to have its ſucceſs depend on contingencies to be furniſhed in naval armaments by a number of independent powers, is a mode ſo expenſive, ſo uncertain and ſo unmanageable, that it never can be relied upon; and if it could, the remedy might be worſe than the diſeaſe; as it might involve in war the powers which armed for the ſake of peace.

"A like objection would have ariſen to the project of Henry IV, for pacifying Europe by land. The mode of compulſion would have been unmanageable, and probably dangerous to the nations it was meant to protect. The mode of compulſion

in the plan of *unarmed neutrality* here projected, is ſimple, analogous to the object, eaſy and unexpenſive in its execution, and exceedingly pungent in its effect.

" A ſincere deſire in the contracting parties to preſerve the peace of Europe againſt all the other pretexts on which it is uſually violated, may poſſibly induce them to extend the powers of the Chancery in queſtion to all other breaches of the rights of nations, as well as to thoſe relating to commerce. In that caſe they will doubtleſs agree upon and declare a new code of public law, or *law of nations*, complete in all its parts; and commit the conſervation of it to this body of delegates.

" I ſhall not purſue this branch of the ſubject at preſent, becauſe it would require immenſe details. In an operation ſo new, it will be beſt to begin with that part whoſe ſimplicity and daily utility ſhall recommend it to the moſt prejudiced obſervers. And if once the Maritime Convention can be organiſed, its principle may be extended as it ſhall be found practicable. I will not however loſe this occaſion of making one remark: that the commercial mode of compulſion herein ſuggeſted would probably be the moſt proper for all caſes to which this Chancery, or any other arbiters of nations might apply their powers. In ſuch high and delicate concerns much will depend on the mode of compulſion, as well as on the nature of the penalty. They ſhould both be moderate; and, if poſſible, let them be commercial, and not military. The commercial will go by weight and meaſure, and may always be kept

within the intended bounds ; the military will run wild, and excite paſſions of falſe glory, incompatible with the object we have in view."

Such is the baſis of a project which might have been offered to the conſideration of the Maritime powers, had the way been opened by ſome public manifeſtation of a deſire to diſcover the beſt mode of preventing national diſputes. I introduce it here in the form of an imperfect ſketch ; as this is not the channel, and as there exiſts at preſent no good occaſion, to offer it in the form of a finiſhed project.

But though theſe crude cenceptions may be of ſome utility in exciting future attention to a theory of ſo much importance, yet this is not the principal reaſon for my inſerting them in this letter. I deſign them as introductory to what I have to ſay on the practical ſyſtem which the United States may adopt for themſelves without any farther delay. Your ſituation does not require you, on this ſubject to ſtop ſhort at theories, or to wait till you can perſuade other powers to join you in reducing them to practice. But, on the contrary, by commencing the ſyſtem for yourſelves alone, you will convince them of its good effects, and leave them to join you at their leaſure. It is probable indeed that, contrary to moſt other experiments, it would operate with more preciſion on a large ſcale than on a ſmall one ; yet the trial which you alone would be able to give it would doubtleſs be ſucceſsful. If ſo, the example would ſpread ; and your efforts might finally point out to Europe the great deſideratum of good men, the means of eſtabliſh-

ing a perpetual peace. You would prove beyond contradiction, that an *unarmed neutrality* is better than an armed one.

Your commerce, both active and paſſive, is uncommonly intereſting to the principal maritime nations of Europe, as a great ſource of nouriſhment to their manufactures and their agriculture; and it likewiſe affords a conſiderable ſource of revenue to their governments. There is not one of thoſe nations, to whom a ſudden ſuſpenſion of its intercourſe with you would not be a very ſerious evil. We muſt acknowledge at the ſame time that it would be an evil to you; but if your ſyſtem is well combined, the event will probably never occur. It is only contemplated as an extreme caſe, a meaſure of reſort; and, if ever put in practice, it will be to avoid a much greater evil, that of war, or that of intolerable oppreſſion.

The ſtate of your agriculture and population is ſuch, compared with the extent of your territory, that the rate of intereſt will neceſſarily continue to be higher in the United States than in Europe for a great number of years; and conſequently our citizens will continue to be indebted to thoſe of the manufacturing nations in very large ſums: probably not leſs than twenty or thirty millions of dollars will be the average of the general balance. To bring the whole ſubject into one view, and at the ſame time to ſave repetition, I am obliged to refer to what I noticed in my former letter on this head, and on that of our European Stockholders, or the public creditors of the United States.

Theſe ſeveral circumſtances offer the materials,

out of which your ſyſtem of defence may be eaſily formed. Every part of the operation appears to be completely in your power, and muſt continue to be ſo; for theſe advantages cannot fail you at leaſt for half a century to come.

Your object is to remain at peace with all mankind, and to maintain a perfect neutrality whenever the powers of Europe are at war. You ought therefore to publiſh a ſolemn declaration of this intention, and likewiſe a clear definition and declaration of the rights of neutrality which you mean to enjoy. In the ſame declaratory act ſhould be contained an explanation of the means by which you will ſeek relief and compenſation for every violation of thoſe rights, from every foreign power, whether in time of war or peace.

Your mode of compelling compenſation might vary according to circumſtances, there being ſeveral productive ſources within your power, from which it may be drawn. You have the ſequeſtration of private debts due from our citizens to the ſubjects of the offending power; you have the ſequeſtration of ſuch portions of your public debt as may be due to the ſubjects of ſuch power; and, in caſes where theſe could not be found in ſums ſufficient to compenſate the injury ſuſtained (which is a thing ſcarcely poſſible) you have the ſuſpenſion of all commercial intercourſe with ſuch power, till compenſation ſhall be made. Which compenſation, when you reſort to this laſt mode of compulſion, ſhould be augmented in proportion to the probable inconveniencies that would reſult to yourſelves from carrying it into effect.

I ſay it is ſcarcely poſſible that this laſt mode need ever be reſorted to, not that we are at preſent indebted either publicly or privately to the ſubjects of *every* maritime power in ſufficient ſums to furniſh the government with a certain reſource; but I ſay it becauſe we are ſufficiently indebted to thoſe among them who would be moſt likely to violate our rights, and becauſe the return of peace and the cuſtomary run of confidence will ſoon obtain us ſufficient credits with the others. The difference in the rate of intereſt will always warrant ſuch a calculation; and we know that ſuch was uniformly the fact before the preſent unprecedented war. Beſides, it ought to be obſerved that moſt of the maritime powers are ſtrongly intereſted in extending and maintaining the rights of neutral commerce; and would wiſh to aid our pacific mode of defence, rather than defeat its object by violating its principle.

It would not become me to go into the details neceſſary for the organization of the plan. My object is only to invite your attention to the meaſure, by ſhowing that there is a foundation on which it may be eſtabliſhed. But, *what are the real and defenſible rights of Neutral Commerce,—what ſhall be the manner of proving and notifying their violation to the offending Power,—what the rule of eſtimating damages according to the different modes of compelling compenſation,—what the conſtitution of the tribunal to be charged with receiving complaints, deciding on the firſt inquiry, and rehearing the cauſe in caſe of diſputed facts,—and what ſhall be the penalty againſt a citizen for preferring a fraudulent complaint*, are

queſtions which can only ariſe after the baſis of the inſtitution ſhall be found agreeable to your ideas of policy and juſtice.

I am not inattentive to certain objections which may be made againſt ſome parts of the ſyſtem; neither am I confident of being able entirely to remove them. Thoſe that ſhould be raiſed againſt the principle of ſequeſtering debts are ſo fully anſwered in my former letter, that I have nothing new to add in this. But it will be ſaid that a ſudden ſuſpenſion of our commercial intercourſe with any one of the great maritime powers would create ſuch a ſhock in the affairs of our merchants, and in the receipts of duties deſtined to the public treaſury, as greatly to affect our intereſt. To this it muſt be replied: 1, that generally ſpeaking, in proportion to the amount of our commerce with any foreign power is the amount of our debts to the ſubjects of that power; and there is nearly the ſame proportion between the debts we owe its ſubjects and its ordinary and well known diſpoſition to infringe the rights of neutrals, and tyranniſe at ſea. The minor powers, to whom we owe little, have alſo little of our commerce, and are at the ſame time little diſpoſed to tyranniſe at ſea; becauſe it is not their cuſtom, being againſt their intereſt. Theſe facts render it almoſt impoſſible that the caſe, againſt which the objection is raiſed, will ever happen with a great commercial nation, where the ſhock of ſuſpenſion would be greatly felt by us. They alſo render it very improbable with a minor nation; and if it ſhould happen there, the ſhock would be but ſmall. But if we conſider, that to

any of theſe powers, whether great or ſmall, the ſhock of a ſudden ſuſpenſion of our trade would be more ſenſible than it would to us, and that they muſt always foreſee this effect, from the moment of the declaration of our mode of defence, we ſhall be ſtill more convinced that the event will never happen.

2: Though the evil attending this extreme caſe, if it ſhould occur, would be conſiderable, it muſt not be forgotten that a much greater one is avoided by it,—the evil of being humbled under every ſpecies of maritime inſult, and of becoming the foot-ball of rival powers who ſtrive which ſhall kick us the hardeſt,—or elſe that other evil (whether greater or leſs than this) of a war; in which there is no calculating the calamities to a young republic, in fiſcal derangements, commercial diſtreſſes, or loſs of domeſtic liberty.

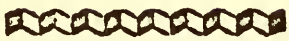
During the preſent ſtate of hoſtility in which Europe is involved, iniquitous and piratical as it is, there is no doubt, had we been prepared with a ſyſtem of neutrality and defence like what is here propoſed, but it would have carried us through without an inſult, or none that would not have been atoned without delay. Neglecting this precaution, how many millions have we ſuffered in property! what humiliation in character! And who can tell, after ſeven years plunder, whether we are not to be dragged into the war at laſt, or which ſide we are moſt likely to take?

My great anxiety to ſerve the cauſe of liberty, and accelerate the progreſs of civilization has alone induced me to addreſs you theſe letters. I can

have little hope however that my arguments will produce any immediate effect in exciting your attention to theories ſo abſtracted from the great paſſions of the day. But principles remain, when the books that firſt contained them are forgotten; and I have ſo much confidence in thoſe I here advance, as to believe that they will deſcend to ſome future friend of humanity, who will find a more fortunate moment for their reception, and place them before the world in a clearer point of light. The proſpect of thus contributing to a diſtant good has made me write with pleaſure; and it ought to engage you to read with patience.

JOEL BARLOW.

APPENDIX.



MEMOIR

ON

CERTAIN PRINCIPLES

OF

PUBLIC MARITIME LAW.

Written for the French Government.

Paris, 5 Dec. 1799.

THE ſeveral conſtitutions which the French nation has hitherto given herſelf have been prefaced by a declaration of the Rights of Man. It might not be improper that the preſent one ſhould carry with it a declaration of the *Rights of Nations;* I mean ſome of thoſe great principles which would tend to the preſervation of tranquility in Europe, and which would favor a ſtate of peace rather than a ſtate of war.

A proper underſtanding of the Rights of Man is doubtleſs leading to great ameliorations in his civil ſtate, and will throw much light on the ſcience of interior legiſlation, of which you may hope to profit as ſoon as you ſhall have paſſed the vicicitudes of the revolution. A proper underſtanding of the rights of nations will perhaps enable you to avoid as many errors and as great evils in your exte-

rior concerns; and it ought likewiſe to be regarded as one of the great objects of the ſame revolution.

It is probable that your new conſtitution will haſten the epoque of a general peace. This peace will have been ſo dearly bought, that you muſt wiſh to render it as permanent as poſſible; and you will doubtleſs be willing to adopt the means moſt proper to attain the end. You ought at this moment to aſk yourſelves, what are the moſt uſual cauſes of war in the preſent ſtate of Europe? and how are theſe cauſes to be avoided in future?

Is there not ſomething vicious in the preſent organization of the great ſociety of nations relative to each other, eſpecially in what is called the maritime law of nations as now underſtood in Europe? Many articles in this maritime code are evidently calculated to favor a ſtate of war, and to throw advantages into the hands of belligerent powers to the prejudice of neutrals. This of itſelf is one inducement to war; and if it can be proved that ſome of theſe articles might be amended, it is hoped that no time will be loſt in adopting ſuch amendments.

1. The whole ſyſtem of privateering, and letters of marque and repriſal, ought to be forever aboliſhed. It is eaſy to demonſtrate the evils that ariſe from this ſyſtem, both in its general principle as it affects the ſtate of ſociety in Europe, and as it applies to the intereſt of the French nation in particular. It is one inducement for vicious individuals in all maritime countries to wiſh for a ſtate of war. Men of broken fortunes in the ſeaports, ſuch captains of veſſels, and other ſailors, whoſe

irregular conduct prevents their obtaining employment in regular buſineſs and peaceable times,—ſecretaries of miniſters and chiefs of departments, who expect large gratifications for the commiſſions they obtain,—and other claſſes of men too various and too vile to be ſpecified in this place, all promiſe themſelves great profits from a looſe piratical warfare ; and never fail to do all in their power to bring on hoſtilities, by irritating the parties at home and abroad.

When their ſyſtem of ſea robbery is once licenſed by a declaration of war, all bounds of morality and every tie of civil ſociety are broken with theſe claſſes of men. All means are lawful by which they can ſeize the property of others, whether friends or foes, neutrals, allies or fellow citizens. Every ſpecies of plunder, homicide, fraud and cruelty, that human ingenuity can invent, are practiſed without diſguiſe ; as they are ſure to go unpuniſhed by their own or any other government.

Vaſt quantities of property belonging to neutrals, being unjuſtly taken and deſtroyed, are clearly loſt to all parties, and muſt be paid for by the government that allows ſuch devaſtation ; unleſs it avoids the paymant by provoking ſuch neutrals to take part in the war, and thus extend its ravages beyond the original intention of the parties.

But this is not all. This terrible ſacrifice of morals gains other claſſes of ſociety. The regular merchant leaves his accuſtomed buſineſs, and launches into the moſt extravagant ſpeculations,

founded on the cruelties and murders of an occupation which he has not the courage to exercise himself; but he renders himself equally guilty by hiring others to do it for him. The contagion of unusual cupidity extends to every sort of people in the commercial towns. Sea robbery becomes the fashion of the country; manufactures are deserted for a more seducing prospect of gain; and all the sea coast of every country at war presents the afflicting prospect of society relapsing into a state of barbarity and piracy, worse than the savage state from which our arts and sciences have drawn us.

Such are the general effects of privateering as observed in all European nations. But France has a peculiar interest in prohibiting this vile and degrading warfare. It never fails to deprive her of her seamen, and to cripple her national marine in a greater degree than it does her rivals the English. The reason of this is obvious. France is an agricultural nation, rather than a commercial one. Her commerce is so little, in proportion to her military navy, that it is with great difficulty she can man her national ships in case of need. She is obliged therefore to take landsmen to supply the deficiency; and she endeavours to balance the want of skill by an augmentation of numbers. For this reason the equipage of a French ship is vastly more numerous than that of an English; they fight to less advantage, and lose many more prisoners. This is peculiarly the case with your privateers. Hence it is that your privateers in the present war have done little more than people the English prisons

with the beſt of your ſeamen. Indeed the maritime part of the preſent war offers a variety of the moſt terrible examples of the fatal conſequences of the ſyſtem of privateering in every light in which the ſubject can be placed.

Therefore, as there can be no poſſible benefit ariſing from the ſyſtem either in this or any future war,—as your whole naval force can always be diſplayed to the beſt advantage in national ſhips and under the ſole guidance of the ſupreme executive power : as you will thus take away one of the inducements which bad men have to provoke hoſtilities and bring on a war ; as you will thus avoid doing injuſtice to neutrals abroad, reſtrain the violence of wicked men at home, and ſhut up a ſchool of immorality which threatens deſtruction to the whole ſyſtem of human ſociety, it is to be hoped that privateering will be hereafter forever prohibited in France.

2. Another branch of the maritime law of Europe, which ought to undergo a ſerious conſideration at this time, is that which regards the rights of neutrality ; eſpecially in ſome conteſted points which are ſuſceptible of a clear definition and a ſolemn declaration. The queſtion whether the flag of a friend ſhall protect the cargo of an enemy, has been agitated in Europe for a century and a half, without being finally ſettled at this day. The practice of the Romans was in favor of the negative ; and that was ſufficient for a long time after the revival of commerce to ſettle the practice in the early part of modern times. But the inconvenience of this was found to be ſo great to neu-

trals, without procuring any ſolid advantage to belligerents, that the contrary practice began to be recommended about the middle of the laſt century. It was found to be ſo much more convenient for all parties to allow the flag to protect the property, that the number of treaties in which the modern practice is adopted is almoſt as numerous, within the period above mentioned, as of thoſe in which ancient uſage is maintained. The following is the liſt of treaties in which it is ſtipulated that the flag ſhall protect the cargo, in all caſes except in contraband of war:

		In
Between France and	Holland.	1646
	Hanſe-Towns,	1655
	England.	1655
	Idem.	1677
	Idem.	1713
	Spain.	1659
	Holland.	1662
	Idem.	1678
	Idem.	1697
	Idem.	1713
	Idem.	1739
	Denmark.	1662
	Idem.	1742
	Sweden.	1672

		In
Between England &	Portugal.	1654
	Sweden.	1656
	Spain.	1667
	Idem.	1670
	Idem.	1713
	Holland.	1668
	Idem.	1674

		In
Between Holland &	Portugal.	1661
	Sweden.	1667
	Idem.	1675
	Idem.	1679
	Naples.	1752

		In
Between Spain and	Auſtria.	1725
	Denmark.	1742

		In
Between Denmark and	Genoa.	1756
	Naples.	1749

		In
Between Ruſſia and (*Armed neutrality.*)	Holland.	1780
	Pruſſia.	
	Sweden.	
	Denmark.	
	Naples.	

		In
Between the United States and	France.	1778
	Holland.	1780
	Pruſſia.	1785
	Sweden.	1785

To this lift may be added all the treaties that have been made by the powers of Europe with the Ottoman empire and with the feveral ftates of Barbary, as well as thofe between America and the ftates of Barbary ; it being an invariable principle among thofe Mehometan powers to refpect the flag of a friend and all the property it covers(1).

It will be remarked that England has been the principal oppofer of this modern law, fince the acceffion of the houfe of Hanover. During the laft century and in the beginning of the prefent, her name is found in many treaties which recognize the new principle ; and it is probably owing to her oppofition to the general wifhes of Europe during this century, that this advantage in favor of neutral commerce is not univerfally adopted at this day. I find no inftance fince the year 1713 in which fhe has acknowledged it ; and fhe has made fuch a confiderable figure in naval wars and

(1) This is not the only point in which the ftates of Barbary have adopted principles of public law more rational, and approaching nearer to civilization, than thofe of Europe.

They admit no fuch thing as *Contraband of War ;* but allow a neutral veffel to carry any article, at any time and to any place, without examination.

They make no maratime war without a public declaration ; and do not allow hoftilities to commence till a certain number of days after the war is declared,—thirty days when the party is bordering on the Mediterranean ; a longer term, if at a greater diftance. The number of days is fixed in the declaration.

All the veffels, fubjects and property of the party, then within their jurifdiction, or that arrive during this interval, are fent away with pafports ; and not fuffered to be molefted in their homeward voyage, though met at fea after hoftilities are begun.

Some of thefe principles may be fometimes violated by a paffionate prince ; but they are acknowledged as law, and are generally obferved with the moft fcrupulous honefty.

the tyranny of the ſeas ſince that period, as to cauſe other nations to vary in their policy continually; ſometimes forgetting their true intereſt and yielding to her ambition in ſupporting the Roman practice, and ſometimes recurring to the more rational ſyſtem, which they ought never to abandon.

But it is time that this queſtion was ſettled irrevocably; and France at the moment of her regeneration is in a condition, if not to dictate the principle as immediately binding on other nations, at leaſt to adopt it for herſelf as an inviolable maxim, and recommend it by her great example. A ſenſe of intereſt will induce all other nations to recognize it immediately, except the Engliſh. And if the Engliſh ſhould continue to oppoſe a meaſure ſo juſt, ſo convenient and ſo intereſting to every maritime power, it will attach thoſe powers on all future occaſions to the intereſt of France as their common benefactor, and oppoſe them to England as their common oppreſſor.

No nation can be more intereſted in the adoption of this meaſure than the French. Your reſources in agriculture and manufactures are immenſe. The encouragement of your induſtry and the increaſe of your wealth depend on a free exchange. As long as you have ſuch an inſatiable rival as the Engliſh government in its preſent form, you can hardly expect to avoid naval wars, however ſincere may be your wiſhes to avoid them.—Your object then is to eſtabliſh ſuch liberal principles with reſpect to neutral commerce that your agricultural and manufacturing intereſts may ſuf-

fer as little as poſſible from a naval war which may obſtruct your own navigation.

England has ſuch a prodigious mercantile marine that ſhe has little uſe for neutrals as carriers of her commerce. But if you allow neutrals to be her carriers it would tend to weaken her marine; as it would leſſen the number of ſeamen in her ſervice. Engliſh ſeamen would get into neutral employ for the ſake of higher wages, which neutrals could then afford to give; and ſuch ſeamen would rarely return to their country. Whereas allowing neutrals to carry for the French would nouriſh their agriculture and manufactures, the great reſources of the nation.

It ſeems therefore neceſſary that France ſhould not only recognize the principle in all her future treaties, that the flag ſhall protect the cargo, but that ſuch ſhould be declared by the people at the head of the conſtitution, in order that all nations may ſee that a future legiſlative or executive cannot deviate from it.

3. There is another caſe in the rights of neutrality which deſerves to be examined; in which I ſhall endeavor to eſtabliſh a doctrine that will appear new, but I hope it will likewiſe appear juſt. It is this, *that there ought to be no contraband of war.* If, for fiſcal or other purpoſes, a government chooſes to prohibit the importation or exportation of certain articles, theſe may be contraband with reſpect to its own nation. But this is private contraband, and has nothing to do with public maritime law. *Contraband of war* ſuppoſes an abridgement of neutral right in favor of belligerent force;

which is immoral and abſurd. No principle is more clear in itſelf, or laid down with more preciſion by Wolff and his followers, on the Law of Nations, than this: *that a nation, remaining neuter while her neighbors are at war, retains all the rights which ſhe poſſeſſed before the war began.* If this be true, there is nothing more contradictory than to ſay that certain articles which were lawful for that nation to carry to a certain country in time of peace, are not lawful in time of war. If the right exiſted before the war, it cannot be annihilated by any act of the belligerent powers; and for them to abridge the exerciſe of it is a violation of juſtice and an act of hoſtility towards the neutral nation, which affects not only her navigation and commerce, but likewiſe her manufactures and her agriculture. If the Ruſſian has been in the habit of carrying cordage to the French in time of peace, and the American has been in the habit of carrying them tobacco; and afterwards the Engliſh begin a war with the French; then, according to the preſent rules of contraband, the Engliſh will ſay to the Ruſſian, you ſhall no longer carry them your cordage, while they will ſay to the American, you may continue to carry them your tobacco. But why ſhall the Ruſſian cultivator of hemp be deprived of the fruits of his labor and the rights of his neutrality, any more than the American cultivator of tobacco? The reaſon given by the publiciſts for this diſtinction is by no means ſatisfactory. They alledge the plea of neceſſity, which they ſay one belligerent power is under, to diſtreſs its enemy by depriving him of the articles uſed in war. This argument of neceſ-

ſity is miſapplied, and may be anſwered by a ſtronger neceſſity on the other ſide. There is a more legitimate neceſſity that the inhabitants of a neutral country ſhould live, and to this end be protected in their induſtry, than there is that one nation at war ſhould deſtroy another. If there is, among all the elements of ſociety, one principle more ſacred than others, it is this, that more protection is due to the honeſt purſuits of induſtry which tend to multiply the ſupports of human life, than to the violent operations of war which tend to its deſtruction.

It ought then to be recogniſed as a principle of public maritime law, that no neutral nation ſhall be interrupted in the courſe of its accuſtomed navigation and commerce on account of the nature of the articles it carries to market; or in other words there ought to be no ſuch thing as contraband of war.

One objection however may be made to this doctrine, which it is incumbent on me to anſwer. It may be ſaid that to allow a neutral to carry warlike ſtores to my enemy, I leave him not only the ſame advantages which he had before the war, but I allow him to increaſe thoſe advantages; ſince my enemy has need of a greater quantity of thoſe articles in war than in peace. To this it is replied that the neutral has not to thank me for the benefit; ſince it is not with a view to his good that I undertake the war, but for my own intereſt or paſſions.

Under the moſt ſcrupulous attention to the rules of juſtice on my part, it is impoſſible but that neutrals muſt ſuffer in many reſpects from my war.

If my enemy increaſes his demand for one article, he probably leſſens it for another. And I believe there is no inſtance of a war in which neutrals have not ſuffered immenſe inconveniences. We ſee them always rejoicing at the return of peace almoſt as much as the belligerents.

There will doubtleſs be ſome articles in which the neutral will find a benefit from my being at war; but as there are neceſſarily others in which he finds a detriment, I have no right to abridge his enjoyment of the firſt, ſince I do not leſſen his ſufſering in the laſt. And he has as good a right to ſupply the extraordinary market that may offer itſelf to the fruits of his labor when ſuch extraordinary market is occaſioned by war, as if it were occaſioned by famine.

There are ſome examples of incidental encouragement to the induſtry of neutrals, which are offered them by the temporary conceſſion of a belligerent; ſuch as taking off reſtrictions and prohibitions which have been cuſtomary in time of peace. The Engliſh in every war, and frequently in their intervals of peace, have ſuſpended the rigors of their *navigation act*, for the ſake of obtaining ſupplies of proviſions, either at home or in their foreign poſſeſſions. The French and Spaniſh governments ſometimes open the ports of their colonies to the ſhips and produce of other powers, and give an unuſual latitude to ſome branch of commerce of which they ſtand in need. Theſe occurrences create a higher market, and offer a temporary benefit to nations which are able to carry the ſupplies. And when they happen in time of war, they may

throw a momentary advantage into the hands of neutrals. They muſt therefore be claſſed among the incidental rights of neutrality, of which no belligerent can with juſtice complain.

The Engliſh government, it is true, has denied this doctine; and one of the members of that government, the Earl of Liverpool, has written a book to prove that the commerce of neutrals cannot legally be extended, in time of war, either to any ports or places, or to any articles of merchandize, to which it was not accuſtomed to go in time of peace. But this poſition is ſo falſe in itſelf, and advanced with ſuch an evident deſign to apolgize for a part of a general ſyſtem of tyranny over neutrals which that government has been purſuing for a number of years, that no writer, I believe, has yet thought it worth refuting. It is of kin to that other novel maxim of Britiſh invention that whole kingdoms may be blockaded by a proclamation.

But when the benefits of trade are extended in this manner, pretended to be unlawful, which party is it that does the wrong,—the belligerent that offers, or the neutral that accepts, the extention?

No Engliſh writer, I preſume, will deny that the belligerent power has a right to open its own ports to any unuſual branch of commerce; ſince his own government does it very often, no leſs than three times during the preſent war. It muſt be then, according to lord Liverpool, that the neutral is in the fault; and that he has no right to go to the beſt market that is open. What is the

conſequence ? Should the neutral refuſe to go to the beſt market, and that beſt market was England, he would certainly be taxed, and very juſtly with partiality to her enemy. When ſo much of the Britiſh Navigation Act is ſuſpended (this is the caſe at the moment I write) as to allow a Swediſh veſſel, for example, to carry American flour to England, ſuppoſe ſuch a veſſel ſhould be loaded in Philadelphia for London, and the cuſtom-houſe ſhould refuſe her a clearance for that place, where the market was high and a famine was apprehended, but ſhould clear her for France, where there was great abundance and a low price, and ſhould lay the veſſel under bonds not to go into England (which wonld be the duty of the cuſtom-houſe, if it was a crime to go there) would not this be called an act of partiality, an act of ſuch enmity to England, as would amount to a breach of neutrality ? But all this would follow from the principle laid down by lord Liverpool.

The Engliſh themſelves, however, have never acted on this principle in all its parts, nor ever will. It is thrown out to intimidate neutrals. But it is time that the rule of juſtice was ſettled on this ſubject, as on many others. The rule ought to be this : that nations which remain neutre, and obſerve an impartial conduct while their neighbors are at war, retain all the rights which they poſſeſſed in time of peace, and all the additional and temporary advantages which the nature of the war itſelf may throw into their hands, or that may be conceded by any of the belligerent powers,—that is to ſay, complete and univerſal liberty ſhould be

left to neutrals to be the carriers of all sorts of goods, at all times and to all places, except only to places actually besieged or blockaded. And to determine what shall be understood by a place blockaded, the strictest sense of the phrases used by the armed neutrality in the year 1780 should be adopted: that is, when a place is so invested as that no vessel can pass into the port without imminent danger of being stopped by the investing force. But in no case can a whole coast be said to be blockaded by a fleet cruising in such manner as occasionally to stop a neutral vessel; a blockade in its nature being only applicable, if not to a single port alone, at most to such ports whose passage is absolutely impeded by the habitual disposition of the ships. And even in this case a neutral vessel ought not to be confiscated till she shall have been once stopped and sent away, and shall attempt to enter a second time.

To recognise these great principles in such a manner that they may serve as a guide to future legislators in the French Republic, be adopted by other nations, and become a part of the public maritime law through all the civilized world, I would preface the new constitution with a declaration to the following effect.

ARTICLE I.

The French Republic will be and remain at peace with all people and at all times, so long as peace can be maintained by the strictest observance, on her part, of justice and the rights of nations.

II.

The rights of nations are, interior government and ſelf-control; the faculty of continuing their actual forms of government, or changing them for others; the faculty of remaining neuter, and obſerving an impartial conduct toward neighboring nations while they may be at war.

III.

The rights of neutrallity are, the faculty of making or not making a public declaration of neutrality (hoſtile intentions not being imputable but in conſequence of an open act or declaration of hoſtility); the faculty of navigating all ſeas, trading to all places, carrying all articles without any exception of contraband of war, and for all perſons without any diſtinction of belligerent or neutral; the faculty in general of enjoying all the advrntages poſſeſſed in time of peace, with the addition of ſuch other advantages as may ariſe from the nature of the war itſelf, and alſo ſuch as may be granted and conſented by one or more of the parties in the war; excepting only the caſe of a blockaded port or place.

IV.

A port or place ſhall be deemed blockaded only when the inveſting force is actually and habitually ſo diſpoſed and ſtationed as that a veſſel cannot enter without imminent danger of being ſtopped. And

even then confiscation of a neutral veſſel or of her cargo ſhall not be made, till ſhe ſhall have been once ſtopped and ſent away, and ſhall return a ſecond time.

V.

The neutrality of a veſſel, ſuch as ſhall enable her to protect her cargo and paſſengers, of whatever nature or country, ſhall be proved without unreaſonable formalities. The nature and form of the documents required for this proof ſhall be only ſuch as ſhall have been declared to be ſufficient by the neutral power in her own laws, or ſtipulated by her in treaties with other nations.

VI.

The French Republic, convinced of the inconveniences and immoralities which ariſe from the ſyſtem of privateering, will no more grant commiſſions for cruiſing, or letters of marque and repriſal, to any private ſhip.

VII.

Solicitous to avoid and remove every occasion of war, not only by a ſteady purſuit of juſtice towards every government and people, but alſo by adopting ſome rational ſyſtem of explanation of real or ſuppoſed wrongs which ſhe and other independent powers may impute to each other in their various intercourſe, the French republic invites

them all to turn their attention to the diſcovery of ſome pacific mode of public arbitration; in which national grievances may be diſcuſſed, removed, attoned, compenſated and finally ſettled, without recurring to the right of the ſtrongeſt, as in barbarous and uncivilized ages. And ſhe declares ſolemnly to all mankind, with whom ſhe desires to live in peace, that ſhe will do all in her power to inveſtigate the means and arrive at the eſtabliſhment of ſuch a benificent inſtitution.

OF A

NATIONAL INSTITUTION,

TO BE

ESTABLISHED

IN THE

UNITED STATES.

WASHINGTON CITY:
PRINTED BY SAMUEL H. SMITH.
.....
1806.

PROSPECTUS

OF A

NATIONAL INSTITUTION, &c.

THE project for erecting a university at the seat of the federal government is brought forward at a happy moment, and on liberal principles. We may therefore reasonably hope for an extensive endowment from the munificence of individuals, as well as from the government itself. This expectation will naturally lead us to enlarge our ideas on that subject, and to give a greater scope to its practical operation than has usually been contemplated in institutions of a similar nature.

Two distinct objects, which, in other countries have been kept asunder, may and ought to be

united; they are both of great national importance; and by being embraced in the same Institution they will aid each other in their acquisition. These are the advancement of knowledge by associations of scientific men, and the dissemination of its rudiments by the instruction of youth. The first has been the business of learned corporations, such as the Royal Society of London and the National Institute of France; the second is pursued by collections of instructors, under the name of universities, colleges, academies, &c.

The leading principle of uniting these two branches of improvement in one Institution, to be extended upon a scale that will render it truly national, requires some developement. We find ourselves in possession of a country so vast as to lead the mind to anticipate a scene of social intercourse and interest unexampled in the experience of mankind. This territory presents and will present such a variety of productions natural and artificial, such a diversity of connections abroad, and of manners, habits and propensities at home, as will create a strong tendency to diverge and separate the views of those who shall inhabit the different regions within our limits.

It is most essential to the happiness of the people and to the preservation of their republican principles, that this tendency to a separation should be overbalanced by superior motives to a harmony of sentiment; that they may habitually feel that community of interest on which their federal system is founded. This desirable object is to be attained, not only by the operations of the government in its several departments, but by those of literature, sciences and arts. The liberal sciences are in their nature republican; they delight in reciprocal communication; they cherish fraternal feelings, and lead to a freedom of intercourse, combined with the restraints of society, which contribute together to our improvement.

To explore the natural productions of our country, give an enlightened direction to the labors of industry, explain the advantages of interior tranquility, of moderation and justice in the pursuits of self interest, and to promote, as far as circumstances will admit, an assimilation of civil regulations, political principles and modes of education, must engage the solicitude of every patriotic citizen; as he must perceive in them the necessary means of securing good morals and every repub-

lican virtue; a wholesome jealousy of right and a clear understanding of duty; without which, no people can be expected to enjoy the one or perform the other for any number of years.

The time is fast approaching when the United States, if no foreign disputes should induce an extraordinary expenditure of money, will be out of debt. From that time forward, the greater part of their public revenue may, and probably will, be applied to public improvements of various kinds; such as facilitating the intercourse through all parts of their dominion by roads, bridges and canals; such as making more exact surveys, and forming maps and charts of the interior country, and of the coasts, bays and harbors, perfecting the system of lights, buoys, and other nautical aids; such as encouraging new branches of industry, so far as may be advantageous to the public, either by offering premiums for discoveries, or by purchasing from their proprietors such inventions as shall appear to be of immediate and general utility, and rendering them free to the citizens at large; such as exploring the remaining parts of the wilderness of our continent, both within and without our own jurisdiction, and extending to

their savage inhabitants, as far as may be practicable, a taste for civilization, and the means of knowing the comforts that men are capable of yielding to each other in the peaceable pursuits of industry, as they are understood in our stage of society.

To prepare the way for the government to act on these great objects with intelligence, economy, and effect, and to aid its operations when it shall be ready to apply its funds to that purpose, will occupy in part the attention of that branch of the Institution composed of men of scientific research; whose labors, it is expected, will be in a great measure gratuitous. It cannot be too early, even at this moment, to direct the researches of science to occupations of this nature. By these means, at the end of the eleven years, the epoch at which the government may expect to be free of debt, the way can be prepared to begin with system, and proceed with regularity in the various details of public improvement; a business which, if the rulers of all nations did but know it, ought to be considered among the first of their duties, one of the principal objects of their appointment.

The science of political economy is still in its infancy; as indeed is the whole science of govern-

ment, if we regard it as founded on principles analogous to the nature of man, and designed to promote his happiness. As we believe our government to be founded on these principles, we cannot but perceive an immense field of improvement opening before us; a field in which all the physical as well as the moral sciences should lend their aid and unite their operation, to place human society on such a footing in this great section of the habitable world, as to secure it against farther convulsions from violence and war. Mankind have a right to expect this example from us; we alone are in a situation to hold it up before them, to command their esteem, and perhaps their imitation. Should we, by a narrowness of views, neglect the opportunity of realising so many benefits, we ought to reflect that it never can occur to us again; nor can we foresee that it will return to any age or nation. We should grievously disappoint the expectations of all good men in other countries, we should ourselves regret our error while we live; and if posterity did not load us with the reproaches we should merit, it would be because our conduct will have kept them ignorant of the possibility of obtaining the blessings, of which it had deprived them.

It would be superfluous, in this Prospectus, to point out the objects merely scientific, that will naturally engage the attention of this branch of the Institution. We are sensible that many of the sciences, physical as well as moral, are very little advanced; some of them, in which we seem to have made considerable progress, are yet so uncertain as to leave it doubtful whether even their first principles do not remain to be discovered; and in all of them, there is a great deficiency as to the mode of familiarising their results, and applying them to the useful arts of life, the true object of all labor and research.

What a range is open in this country for mineralogy and botany! How many new arts are to arise, and how far the old ones are to be advanced, by the pursuit of these two sciences, it is impossible even to imagine. Chemistry is making a rapid and useful progress, though we still dispute about its elements. Our knowledge of anatomy has laid a necessary and sure foundation for surgery and medicine; surgery indeed is making great proficiency; but, after three thousand years of recorded experience, how little do we know of medicine!

Mechanics and hydraulics are progressing fast, and wonderful are the facilities and comforts we draw from them; but while it continues to be necessary to make use of animal force to move heavy bodies in any direction by land or water, we have a right to anticipate new discoveries. Could the genius of a Bacon place itself on the high ground of all the sciences in their present state of advancement, and marshal them before him in so great a country as this, and under a government like ours, he would point out their objects, foretell their successes, and move them on their march, in a manner that should animate their votaries and greatly accelerate their progress.

The mathematics, considered as a science, may probably be susceptible of higher powers than it has yet attained; considered as the handmaid of all the sciences and all the arts, it doubtless remains to be simplified. Some new processes, and perhaps new modes of expressing quantities and numbers, may yet be discovered, to assist the mind in climbing the difficult steps that lead to an elevation so much above our crude conceptions; an elevation that subjects the material universe, with all its abstractions of space and time, to our inspec-

tion; and opens, from their combinations, so many useful and satisfying truths.

Researches in literature, to which may be united those in morals, government and laws, are so vague in their nature, and have been so little methodised, as scarcely to have obtained the name of sciences. No man has denied the importance of these pursuits; though the English nation, from whom we have borrowed so many useful things, has not thought proper to give them that consistency and standing among the objects of laudable ambition, to which they are entitled. Men the most eminent in these studies have not been members of their learned associations. Locke, Berkely, Pope, Hume, Robertson, Gibbon, Adam Smith, and Blackstone, were never admitted into the Royal Society. This is doubtless owing to the nature of their government; though the government itself exerts no influence in these elections. The science of morals connects itself so intimately with the principles of political institutions, that where it is deemed expedient to keep the latter out of sight, it is not strange that the former should meet no encouragement.

This policy is strikingly exemplified in the history of the French Institute. That learned and respectable body was incorporated by the national convention in the year 1795, and took place of all the old academies, which had been previously abolished. It was composed of three classes, according to the objects to be pursued by its members. The first was the class for the physical sciences, the second was the class for the moral and political sciences, the third was for the fine arts. Thus it went on and made great progress in its several branches, till the year 1803, when Bonaparte's government assumed that character which rendered the pursuit of moral and political science inconvenient to him. He then new modelled the Institute, and abolished that class. But lest his real object should be perceived, and he be accused of narrowing the compass of research, he created two new classes in the room of this; one for ancient literature, and one for the French language. On the same occasion an order was issued to all the colleges and great schools in France, suppressing the professorships of moral and political philosophy.

But in our country, and at this early epoch in the course of republican experiment, no subjects

of research can be more important than those embraced by these branches of science. Our *representative* system is new in practice, though some theories of that sort have been framed by speculative writers; and partial trials have been made in the British dominions. But our *federal* system, combined with democratical representation, is a magnificent stranger upon earth; a new world of experiment, bursting with incalculable omens on the view of mankind. It was the result of circumstances which no man could foresee, and no writer pretended to contemplate. It presented itself to us from the necessity of the situation we were in; dreaded at first as an evil by many good men in our own country, as well as by our friends in Europe; and it is at this day far from being understood, or properly appreciated, by the generality of those who admire it. Our practice upon it, as far as we have gone, and the vast regions of our continent that present themselves to its embrace, must convince the world that it is the greatest improvement in the mechanism of government that has ever been discovered, the most consoling to the friends of liberty, humanity and peace.

Men who have grown old in the intrigues of cabinets, and those who, in the phrenzy of youthful ambition, present themselves on the threatre of politics, at the head of armies, which they cannot live without, are telling us that "no new principle of government has been discovered for these two thousand years;"* and that all proposals to ameliorate the system are vain abstractions, unworthy of sound philosophy. They may tell us too that no new principle in mechanics has been discovered since we came to the knowledge of the lever; no new principle in war, since we first found that a man would cease to fight the moment he was killed. Yet we see in the two latter cases that new *combinations* of principle have been discovered; they are daily now discovered and carried into practice. In these there are no books written to inform us we can go no farther; no imperial decrees to arrest our progress. Why then should this be the case in those combinations of the moral sense of man, which compose the science of government?

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* *This is asserted in a book written to support the present government in France. I forget the title.*

But whether we consider the principles themselves as new, or the combinations only as new, the fact with respect to our government is this: although the principle has long since been known that the powers necessarily exercised in regulating a great community, originate in the people at large, and that these powers cannot conveniently be exercised by the people at large; yet it was not discovered how these powers could be conveniently exercised by a few delegates, in such manner as to be constantly kept within the reach of the people at large, so as to be controlled by them without a convulsion. But a mode of doing this has been discovered in latter years, and is now for the first time carried into practice in our country; I do not say in the utmost perfection of which the principle is capable; yet in a manner which greatly contributes, with our other advantages, to render us the happiest people on earth. Again: although the principle has long since been known, that good laws faithfully executed within a state, would protect the industry of men, and preserve interior tranquility; yet no method was discovered which would effectually preserve exterior tranquility between state and state. Treaties were made,

oaths were exacted, the name of God was invoked, forts, garrisons, and armies, were established on their respective frontiers; all with the sincere desire, no doubt, of preserving peace. The whole of these precautions have been constantly found ineffectual. But we at last, and almost by accident, have discovered a mode of preserving peace among states, without any of the old precautions; which were always found extremely expensive, destructive to liberty, and incapable of securing their object. We have found that states have some interests that are common and mutual among themselves; that, so far as these interests go, the states should not be independent; that, without losing any thing of their dignity, but rather increasing it, they can bind themselves together by a federal government, composed of their own delegates, frequently and freely elected, to whom they can confide these common interests; and that by giving up to these delegates the exercise of certain acts of sovereignty, and retaining the rest to themselves, each state puts it out of its own power to withdraw from the confederation, and out of the power of the general government to deprive them of the rights they have retained.

If these are not new principles of government, they are at least new combinations of principles, which require to be developed, studied and understood better than they have been, even by ourselves; but especially by the rising generation, and by all foreign observers who shall study our institutions. Foreigners will thus give us credit for what we have done, point out to our attention what we have omitted to do, and perhaps aid us with their lights, in bringing towards perfection a system, which may be destined to ameliorate the condition of the human race.

It is in this view that moral and political research ought to be regarded as one of the most important objects of the National Institution, the highest theme of literary emulation, whether in prose or verse, the constant stimulus to excite the ambition of youth in the course of education.

What are called the fine arts, in distinction from what are called the useful, have been but little cultivated in America. Indeed, few of them have yet arrived, in modern times, to that degree of splendor which they had acquired among the ancients. Here we must examine an opinion, entertained by some persons, that the encouragement of

the fine arts savors too much of luxury, and is unfavorable to republican principles. It is true, as is alleged, they have usually flourished most under despotic governments; but so have corn and cattle. Republican principles have never been organised or understood, so as to form a government, in any country but our own. It is therefore from theory, rather than example, that we must reason on this subject. There is no doubt but the fine arts, both in those who cultivate and those who only admire them, open and expand the mind to great ideas. They inspire liberal feelings, create a harmony of temper, favorable to a sense of justice and a habit of moderation in our social intercourse. By increasing the circle of our pleasures, they moderate the intensity with which pleasures, not dependent on them, would be pursued. In proportion as they multiply our wants, they stimulate our industry, they diversify the objects of our ambition, they furnish new motives for a constant activity of mind and body, highly favorable to the health of both. The encouragement of a taste for elegant luxuries discourages the relish for luxuries that are gross and sensual, debilitating to the body, and demoralising to the mind. These last, it must be acknow-

ledged, are prevailing in our country; they are perhaps the natural growth of domestic affluence and civil liberty. The government, however mild and paternal, cannot check them by any direct application of its powers, without improper encroachments on the liberty and affluence, that give them birth. But a taste for the elegant enjoyments which spring from the culture of the fine arts, excites passions not so irresistible, but that they are easily kept within the limits, which the means of each individual will prescribe. It is the friend of morals and of health; it supposes a certain degree of information; it necessitates liberal instruction; it cannot but be favorable to republican manners, principles and discipline.

A taste for these arts is peculiarly desirable in those parts of our country, at the southward and westward, where the earth yields her rich productions with little labor, and leaves to the cultivator considerable vacancies of time and superfluities of wealth, which otherwise will, in all probability, be worse employed. The arts of drawing, painting, statuary, engraving, music, poetry, ornamental architecture, and ornamental gardening, would employ a portion of the surplus time and

money of our citizens; and at the same time be more likely to dispose their minds to devote another portion to charitable and patriotic purposes, than if the first portion had not been thus employed.

In England there is a Royal Academy for the fine arts, as well as a Royal Society for the sciences; though men of merit in other learned labors are not associated. In France the two classes of eminent men who pursue the sciences and the arts, are united in the National Institute. Besides these, and besides the colleges and universities, there exists in each of those countries a variety of institutions useful in their different objects, and highly conducive to the general mass of public improvement, as well as to private instruction.

The French government supports,

1. *The School of Mines*, an extensive establishment; where is preserved a collection of specimens from all the mines, wrought and unwrought, that are known to exist in that country; where, with the free use of a laboratory, lectures are given gratis one day in the week for nine months in the year, and where young men receive what is called a mineralogical education. At this place

the proprietor of a mine, whether of metals, coals, or other valuable fosils, may have them examined without expense; and here he can apply for an able and scientific artist, recommended by the professors, to be the conductor of his works, as well in the engineering as the metallurgical branch.

2. *The School of Roads and Bridges;* whose title ought to extend likewise to canals, river navigation and hydraulic architecture; since it embraces all these objects. Here are preserved models and drawings of all the great works, and many of the abortive attempts, in these branches of business. It is a curious and useful collection. This establishment too maintains its professors, who give lectures gratis, and produce among their pupils the ablest draftsmen and civil engineers, ready to be employed where the public service or private enterprise may require.

3. *The Conservatory of Arts;* meaning the useful arts and trades. This, in appearance, is a vast Babel of materials; consisting of tools, models and entire machines, ancient and modern, good and bad. For it is often useful to preserve for inspection a bad machine. The professor ex-

plains the reason why it did not answer the purpose; and this either prevents another person from spending his time and money in pursuit of the same impracticable scheme, or it may lead his mind to some ingenious invention to remedy the defect and make it a useful object. Here is a professor for explaining the use of the machines, and for aiding the minister in discharging the duties of the patent office. Here likewise several trades are carried on, and persons are taught gratis the use of the tools by practice as well as by lectures.

4. *The Museum of Natural History.* This consists of a botanical garden, an extensive menagery, or collection of wild animals, and large cabinets of minerals. To this institution are attached several professorships; and lectures are given on every branch of natural history.

5. *The Museum of Arts*; meaning the fine arts. This is the school for painting, statuary, music, &c. The great splendor of this establishment consists chiefly in its vast gallery of pictures, and its awful synod of statues. These are as far beyond description as they are above comparison. Since, to the collections of the kings of

France, the government has added so many of the best productions of Italy, Flanders and Holland, there is no other assemblage of the works of art where students can be so well accommodated with variety and excellence, to excite their emulation and form their taste.

6. *The National Library.* This collection is likewise unparalelled both for the number and variety of works it contains; having about five hundred thousand volumes, in print and manuscript; besides all of value that is extant in maps, charts, engravings; and a museum of coins, medals and inscriptions, ancient and modern.

8. *The Mint*; which is a scientific, as well as a laboratorial establishment; where lectures are given in mineralogy, metallurgy and chemistry.

9. *The Military School*, where field engineering, fortification, gunnery, attack and defence of places, and the branches of mathematics, necessary to these sciences, are taught by experienced masters.

10. *The Prytaneum*; which is an excellent school of general science, more especially military and nautical; but it is exclusively devoted to what

are called *enfans de la patrie*, children of the country, or boys adopted by the government, and educated at the public expense. They are generally those whose fathers have died in the public service. But this distinction is often conferred on others, through particular favor. The school is supplied with able instructors; and the pupils are very numerous. They are taught to consider themselves entirely devoted to the service of their country, as is indicated both by their own appellation and that of their seminary.

11. *The College of France* retains all its ancient advantages, and has been improved by the revolution.

12. *The School of Medicine*, united with anatomy and surgery, is in able hands, and well conducted.

13. *The Veterinary School*; where practical and scientific lessons are given on the constitution and diseases of animals.

14. *The Observatory* is an appellation still retained by an eminent school of astronomy; though its importance has grown far beyond what is indicated by its name. It publishes the annual work

called *la connaissance des tems*; a work not only of national, but of universal utility for navigators and astronomers.

15. Another institution, whose functions have outgrown its name, is the *Bureau of Longitude.* It not only offers premiums for discoveries, tending to the great object of finding an easy method of ascertaining the longitude at sea, and judges of their merit; but it is the encourager and depositary of all nautical and geographical discoveries; and, in conjunction with the school of astronomy and that of natural history, it directs and superintends such voyages of discovery as the government chooses to undertake.

16. The last public establishment for liberal instruction, that I shall mention in the capital, though not the only remaining one that might be named, is the *Polytechnic School.* This, for the variety of sciences taught, the degree of previous attainment necessary for admission, the eminent talents of the professors, and the high state of erudition to which the pupils are carried, is doubtless the first institution in the world.

The Prytaneum, the Polytechnic School, the Museum of Arts, the Conservatory of Arts, and the Veterinary School, are new institutions, established during the revolution. The others existed before; but most of them have been much improved. There were likewise erected during the same period, a great number of provincial colleges. The general provision was to have one in each county, or department, of which there are upwards of a hundred in France. The provision likewise extended to what are called primary schools, to be erected and multiplied in every town and village. This is also executed in part, but not completely.

On the whole, the business of education in France is on a much better footing at present than it ever was before the revolution. The clamor that was raised by the emigrants against the convention, reproaching them with having destroyed education, were unfounded; and, we may almost say, the reverse of truth. Their plans on this subject were great, and in general good; much good indeed has grown out of them; though they have not been pursued by the government during its subsequent changes, in the manner contemplated by the projectors.

Besides the public foundations, established and partly supported by the government, there is a variety of private associations for collecting and diffusing information; such as agricultural societies, a society for the encouragement of arts and manufactures; and another which, though neither scientific nor literary, is a great encourager of literature. It is a charitable fund for giving relief to indigent authors, and to their widows and orphans.

The Lyceum of Arts, as a private society, merits a distinguished place in this hasty review of the liberal establishments in Paris. This foundation belongs to a number of proprietors, who draw no other advantage from it than the right of attending the lectures, and of using the laboratory, reading rooms, library and philosophical apparatus. It employs able professors in all the sciences, in technology, in literature, and in several modern languages. It admits annual subscribers, who enjoy these advantages during the year; and it is particularly useful to strangers and to young men from the provinces, who might otherwise employ their leisure hours in less profitable amusements.

If, in speaking of the state of public instruction in England, we are less particular than in those of her neighbors, it will not be for want of respect for her institutions; but because most of them are better known in this country, and some of them similar to those we have described. Her universities and colleges, her numerous agricultural societies, her society of arts and manufactures, her royal society, royal academy, royal observatory, British museum, marine and military academies, her society for exploring the interior of Africa, her missionary society, and her board of longitude, are probably familiar to most of the readers of this Prospectus. We shall particularise only two or three others; which, being of recent date, are probably less known.

The Literary Fund, for the relief of indigent authors and their families, is an institution of extensive and increasing beneficence. It is not merely a charitable, but a patriotic endowment; and its influence must extend to other nations, and to posterity. For an author of merit belongs to the world at large; his genius is not the property of one age or nation, but the general heritage of all. When a fund like this is administered by men

of discernment and fidelity, worthy of their trust, as the one in question certainly is, lending its aid to all proper objects, without regard to party or system, whether in politics, science or religion, it gives independence to literary pursuits. Men who are fostered by it, or feel a confidence that they may, in case of need, partake of its munificence, become bold in the developement of useful truths; they are not discouraged by the dread of opposing the opinions of vulgar minds, whether among members of the government, or powerful individuals.

This generous and energetic establishment owes its foundation to David Williams; whose luminous writings, as well as other labors, in favor of liberty and morals, are well known in this country. It was a new attempt to utilise the gifts of fortune, and the efforts of timid merit. It was not till after many years of exertion by its patriotic founder, that the institution assumed a vigorous existence, became rich by the donations of the opulent, and popular from the patronage of the first names in the kingdom. It was from this fund that the one of a similar nature in Paris was co-

pied; but the latter is hitherto far inferior to the former, both in its endowments and its activity.

On the other hand, the *Royal Institution* and the *London Institution* have been copied from the Lyceum in Paris. But in these instances the copies have already equalled, if not surpassed, the original.

We have traced this rapid sketch of what is doing for the advancement of liberal knowledge and public improvements in other countries, for the sake of grouping the whole in one general view; that we may compare their establishments with our situation, our wants, our means, and our prospects; reject what is unsuitable to us, adopt such as would be useful, and organise them as shall be advantageous in our National Institution.

It is proposed, as already observed, that this Institution should combine the two great objects, *research* and *instruction*. It is expected from every member that he will employ his talents gratuitously in contributing to the *first* of these objects. The *second* will be the special occupation of a branch of the Institution, to be stiled the Professorate. And, as it is expected from the

members of this branch, that they devote their time as well as talents to the labor of instruction, they will receive a suitable compensation, to be fixed by the board of trustees.

The members of the National Institution shall be elected from citizens of the United States, eminent in any of the liberal sciences, whether physical, moral, political or economical; in literature, arts, agriculture; in mechanical, nautical or geographical discoveries. The number of members shall at no time exceed the decuple of the number of states, composing the confederation of the United States. But in addition to these, it may elect honorary members abroad, not exceeding in number one half of that of its members. And it may likewise elect corresponding members within the United States, or elsewhere, not exceeding the last mentioned proportion.

The members of the Institution may divide themselves into several sections, for their more convenient deliberations on the objects of their several pursuits, not exceeding five sections. Each section shall keep a register of its proceedings. It shall be the duty of each section to nominate can-

didates for members of the Institution, suitable for such section. Which nomination, if there be vacancies, shall entitle such candidates to be ballotted for at the general meetings.

There shall be a Chancellor of the National Institution; whose duty it shall be to superintend its general concerns. He shall, in the first instance, be appointed by the President of the United States; and hold his office during the pleasure of the Institution. He shall preside in its general meetings; direct the order of its deliberations, and sign the diplomas of its members. He shall be president of the board of trustees; and, in consequence of their appropriations, order the payment of monies, and otherwise carry into execution their ordinances and resolutions. He shall be director of the Professorate; order the courses of lectures and other modes of instruction, and objects of study; confer degrees in the central university; appoint examiners, either at the district colleges, or at the central university, for the admission of students into the latter; fill vacancies in the Professorate, until the next meeting of the board of trustees; and he shall have power to suspend from office a professor, until the time of such

meeting. He shall instruct, and direct in their mission, such travelling professors as the board of trustees shall employ, for the objects of science, in our own country or abroad.

The board of trustees shall consist of fifteen members; they shall be first appointed by the President of the United States, and hold their office during the pleasure of the Institution. They shall give bonds with surety for the faithful execution of their trust. They and the chancellor are of course members of the Institution. As soon as convenient after their appointment, they are to assemble at the seat of government, elect by ballot fifteen additional members of the Institution, appoint three professors, and transact such other business as they may think proper. But no more than the second fifteen members of the Institution shall be elected, until the last Wednesday in November next. On which day a general meeting of the Institution shall be held at the seat of government; and the members then present may proceed to elect fifteen additional members. Two months after which, another election of fifteen members may take place; but no more till the November then next. Thus they may proceed to

hold two elections in each year, of fifteen members each, if they think proper, till the whole number allowed by law shall be elected. The Institution will fill its own vacancies, and those in the board of trustees, appoint its treasurer and secretaries ; and, on all occasions after the first, elect the chancellor.

The chancellor and board of trustees shall have the sole management of the funds of the Institution, whether in lands or moveables; they shall organise the Professorate, appoint the professors, and other masters and teachers ; assign them their compensations, and remove them at pleasure. They shall establish a central university at or near the seat of the federal government, and such other universities, colleges and schools of education, as the funds of the Institution will enable them to do, whether in the city of Washington, or in other parts of the United States ; and make the necessary regulations for the government and discipline of the same. They may likewise establish printing presses for the use of the Institution, laboratories, libraries and apparatus for the sciences and the arts; and gardens for botany and agricultural experiments.

Thus organised, and with proper endowments, the National Institution will be able to expand itself to a large breadth of public utility. It will, by its correspondence, its various establishments, its premiums, its gratuities, and other encouragements, excite a scrupulous attention to the duties of education in every part of the United States. By printing school books in the vast quantities that are wanted, and selling them at prime cost, it will furnish them at one third of the price usually demanded; and by an able selection or composition of such as are best adapted to the purpose, it will give a uniformity to the moral sentiment, a republican energy to the character, a liberal cast to the mind and manners, of the rising and following generations. None will deny that these things are peculiarly essential to the people of this country; for the preservation of their republican principles, and especially of their federal system.

Add to this the advantages that the government will draw, in its projected plans of public improvement, from this facility of concentrating the rays of science upon the most useful objects; from directing the researches of so many of the ablest

men in the country, to the best modes of increasing its productions and its happiness; from having a greater choice of young and well taught engineers, civil and military; as well as mechanicians, architects, geologists; and men versed in the mathematical sciences and political economy.

Attached to the university in Washington, and under the direction of the Institution, might be the best position for the military academy, now at West Point; as likewise for the naval academy, and for the mint of the United States. The patent office is now an embarrassing appendage to the department of state. It might occupy very usefully one of the professors of this university. The machines and models belonging to it would be useful ornaments in a lecture room, where mechanics, hydraulics, and other branches of natural philosophy are taught. Such professor might be the proper person to examine the applications for patents, and report upon their merits; the chancellor might grant the patents. It might likewise be advantageous, that the trustees, when the state of their funds will permit, should purchase from their proprietors such inventions as, in their opinion, might

be of immediate and general use; and perhaps the chancellor might be authorised to refuse patents for impracticable things, and expose to public view such impostors as sometimes apply for them, with the intention of imposing upon the credulous, by selling their fallacious privileges either in whole or in part.

The geographical and mineralogical archieves of the nation might be better placed in this university, than elsewhere. Being confided to professors, they might draw advantages from them in the course of their instructions. Thus the Institution might become a general depositary of the results of scientific research; of experiments in arts, manufactures and husbandry; and of discoveries by voyages and travels. In short, no rudiment of knowledge should be below its attention, no height of improvement above its ambition, no corner of our empire beyond its vigilant activity for collecting and diffusing information.

It is hoped that the legislature, as well as our opulent citizens, will assist in making a liberal endowment for so great an object, and as soon as circumstances will admit; as too much time has

already been lost, since the government has taken its definitive stand, in so advantageous a position, for the developement of this part of our national resources.

APPENDIX.

Such is the outline of a system of Public Instruction, that would seem to promise the greatest benefits. And, although under present circumstances, it is doubtless too extensive to be carried into immediate practice in all its parts; yet there are strong reasons to wish that its general basis may be preserved entire, in the law for incorporating the Institution; and that such law may be enacted during the present session of Congress. Believing that no possible disadvantage could arise from adopting both of these propositions, we will endeavor to elucidate the advantages by a few additional observations.

1. As we must solicit donations from individual citizens, and depend principally on them for its endowment, we ought to have a basis on which they

can repose their confidence. This can only be done by a board of trustees, standing on the ground of a corporation; whose object is clearly defined; and which is composed of men of known character and responsibility, anxious themselves to promote the object, and pledged in honor and reputation for its ultimate success.

2. The present appears to be a more favorable moment for an establishment of this kind, and especially for obtaining donations, than can be expected to arrive hereafter. A general opinion now prevails, that education has been too much and too long neglected in most parts of our country; and this opinion is happily accompanied by a liberal spirit on the subject; a spirit worthy of the age and country in which we live, and of the government that conducts our affairs. It is a patriotic spirit, that only requires to be directed; but if not directed, may soon be lost. The opinions and dispositions of men are changeable. The race of patriarchs who framed our political systems, and are peculiarly solicitous to ensure their permanent support, are passing off the stage of public life. Children are growing up, to take the legacy we are bequeathing them, insensible of its value, and ig-

norant of the means by which it can be preserved. It will seem as if we had labored in vain, if we leave our work but half accomplished. And surely the task of preserving liberty, if not as bold, is at least as difficult, as that of acquiring it. To acquire liberty, comparatively speaking, is the work of few; to preserve it is the sober and watchful business of all. In the first operation, a group of well informed, enthusiastic, and patriotic leaders, step forward to the field of danger, impress their own energy on the multitude of followers; who cannot go wrong, because the object is palpable, and clearly understood; but in the second, the impetuosity of enthusiasm is no longer the weapon to be used; the mass of the people are masters; they must be instructed in their work; and they may justly say, that when their leaders taught them how to gain their liberty, they contracted the obligation to teach them how to use it.

3. The Institution, though established on the broad foundation we here propose, will begin upon a small scale; no larger than its means will render convenient. And the magnitude of the perspective will not discourage its infant exertions, but ra-

ther increase them. Its expenditures will not be greater in the beginning than they would be if it were always to be confined to the narrow compass in which it will move at first. It will immediately open a few schools at Washington, where they are much wanted. It may soon begin to receive donations for this and other objects; and by its correspondence, it will be learning the wants of the different districts of the United States, and directing its enquiries how to supply them.

4. It is believed that several men of science, without any compensation, but the pleasure of being useful, may be engaged to give courses of lectures during the next winter, on some of the higher branches of knowledge; such as chemistry, mathematics, natural and moral philosophy, political economy, medicine, and jurisprudence: that it may no longer be said of the capital of the United States, that it offers no attractions as a winter residence to strangers or citizens; no amusements but such as are monotonous, and unimproving; nothing to variegate the scene and enliven the labors of those whom the confidence of their country has called to this place, to manage her great concerns. A few courses of lectures on these

subjects, announced in the public papers, to be delivered next winter, would draw to this place many young men from the different states; who, being at a loss for the means of finishing their education, are often driven to Europe for that purpose. This would be a beginning for the university, and lead to its interior organisation. It would help to bring the Institution into notice, be the means of augmenting its endowments, and enable the trustees to devise measures for some of their buildings.

5. It ought not to be forgotten that a central Institution of this kind in the United States would not only remove the numerous disadvantages that our young men now experience, in being obliged to obtain a European education; but it would federalise, as well as republicanise their education at home. Coming together from all parts of the union, at an age, when impressions on the mind are not easily effaced, the bent of intellect will attain a similarity in all, diversified only by what nature had done before; their moral characters would be cast in a kindred mould; they would form friendships, which their subsequent pursuits in life would never destroy. This would greatly

tend to strengthen the political union of the states, a union which, though founded on permanent interest, can only be supported by a permanent sense of that interest. In addition to the other advantages of study, we ought to notice the great political school that will be open to the student, during the sessions of Congress; the school of jurisprudence in the federal courts; the constant examples of enlarged ideas, and paternal solicitude for the national welfare, which he will see in the several departments of the executive government.

When the men, who shall have finished their education in this central seat, shall return to it in maturer life, cloathed with the confidence of their fellow citizens, to assist in the councils of the nation, the scene will enliven the liberal impressions of youth, combined with the cautions that experience will have taught. They will bring from home the feelings and interests of their own districts; and they will mingle them here with those of the nation. From such men the Institution may perceive the good it may have done; and from them it will learn what new openings may be found in the different states, for the extension of its benefits.

Washington, 24*th January*, 1806.

ORATION

DELIVERED

AT WASHINGTON, JULY FOURTH,

1809;

AT THE REQUEST OF THE DEMOCRATIC CITIZENS

OF THE

DISTRICT OF COLUMBIA.

BY JOEL BARLOW.

WASHINGTON CITY:

PRINTED AND PUBLISHED BY R. C. WEIGHTMAN.

1809.

ORATION.

FRIENDS AND FELLOW CITIZENS:

THE day we now commemorate will never cease to excite in us the most exhilerating reflections and mutual gratulations. Minds of sensibility, accustomed to range over the field of contemplation that the birth of our empire spreads before them, must expand on this occasion to great ideas, and invigorate their patriotic sentiments.

The thirty three years of national existence which have brought us to our present condition, are crowded indeed with instructive facts, and comprise an interesting portion of history. But they have only prepared this gigantic infant of a nation to begin its own development. They are only the prelude to the greater events that seem to unfold themselves before us, and call for the highest wisdom to give them their proper direction.

It appears to have been the practice of the public speakers, called to give utterance to the feelings of their fellow citizens on the anniversary of this day, to dwell chiefly upon those memorable transactions which necessitated, and those which afterwards supported, the act of Independence that gives name to the present festival. Such were the oppressions of Britain and our effectual resistance to those oppressions. Transactions so eventful are doubtless worthy to be held in perpetual remembrance. And as they ought never to be forgotten, they should frequently be recalled to the notice of our younger brethren, who can know them only from their elders. But those conflicting scenes are now become every where matters of record. They are detailed so copiously in our annals and so often by our orators, as to render the repetition of their story at this moment, far less important than to turn our attention to other subjects growing out of the intersts of our blessed country.

Our departed heroes and statesmen have not gone without their fame. Our tears have mingled with the ashes of those fallen in our battles, and those who have descended in peace

to a later tomb. Our gratitude attends the precious few who remain to us of that list of worthies; the illustrious relics of so many fields of danger, and so many years of labor; who led us in all our darings, when resistance to tyrants, as well in the forum as in the field, was deemed rebellion and threatened with death. Their whitened locks that still wave among us are titles to our veneration; they command and they will obtain it, while the virtues they have taught us to practice shall continue to warm our hearts.

But our respect for the memory and the persons of all our leaders will be best evinced by the pious culture we bestow on the rich heritage they have secured and are handing over to our possession. The present race is likewise passing away; but the nation remains and rises with its years. While we, the present race, are able to call ourselves the nation, we should be sensible of the greatness of the charge that has devolved upon us. We have duties to posterity as well as to ourselves. We must gather up our strength and encounter those duties. Yes, my friends, we are now the nation. As such we have arrived at that epoch when, instead of looking back with wonder upon our infancy, we may look forward with solicitude to a state of adolescence, with confidence to a state of manhood. Though as a nation we are yet in the morning of life, we have already attained an elevation which enables us to discern our course to its meridian splendor; to contemplate the height we have to climb, and the commanding station we must gain, in order to fulfil the destinies to which we are called, and perform the duties that the cause of human happiness requires at our hands.

To prepare the United States to act the distinguished part that providence has assigned them, it is necessary to convince them that the means are within their power. A familiar knowledge of the means will teach us how to employ them in the attainment of the end. Knowledge will lead to wisdom; and wisdom in no small degree is requisite in the conduct of affairs so momentous and so new. For our situation is in many respects not only new to us, but new also to the world.

The form of government we have chosen, the geographical position we occupy as relative to the most turbulent powers of Europe, whose political maxims are widely different from ours; the vast extent of continent that is or must be comprised within our limits, containing not less than sixteen hundred millions

of acres, and susceptible of a population of two hundred millions of human beings; our habits of industry and peace instead of violence and war,—all these are circumstances which render our situation as novel as it is important. It requires new theories; it has forced upon us new and bold, and in some cases, doubtful experiments; it calls for deep reflection on the propensities of human nature, an accurate acquaintance with the history of human actions; and what is perhaps the most difficult to attain, a wise discrimination among the maxims of wisdom, or what are such in other times and nations, to determine which of them are applicable and which would be detrimental to the end we have in view. I would by no means insinuate that we should reject the councils of antiquity in mass; or turn a deaf ear to the voice of modern experience because it is not our own. So far as the policy of other nations is founded on the real relations of social man, on his moral nature undisguised, it may doubtless be worthy of imitation; but so far as it is drawn from his moral nature disguised by habits materially different from ours, such policy is to be suspected, it is to be scrutinized, and brought to the test, not perhaps of our experience, for that may in certain cases be wanting, but the test of the general principles of our institutions, and the habits and maxims, that arise out of them.

There has been no nation either ancient or modern that could have presented human nature in the same character as ours does and will present it; because there has existed no nation whose government has resembled ours. A representative democracy on a large scale, with a fixt constitution, had never before been attempted, and has no where else succeeded. A federal government on democratical principles is equally unprecedented, and exhibits a still greater innovation on all received ideas of statesmen and lawgivers. Nor has any theorist in political science, any among those powerless potentates of reason, the philosophers who have taught us so many valuable things, ever framed a system or conceived a combination of principles producing such a result.

Circumstances beyond our control had thrown in our way the materials for this wonderful institution. Our first merit lay in not rejecting them. But when our sages began to discern the use that might be made of materials then so unpromising, they discovered great talents and patriotism in combining them into the system we now find in operation. It is

indeed a stupendous fabric; the greatest political phenomenon, and probably will be considered as the greatest advancement in the science of government that all modern ages have produced.

This is not the moment to go into a dissertation on the peculiar character of our political constitutions. The subject being well understood by so respectable a portion of this assembly, and the time allotted to this part of the exercises of the day being necessarily short, I should hardly expect to obtain your indulgence if I were even capable of doing justice to so great a theme. Otherwise the whole compass of human affairs does not admit of a more profitable inquiry. Every citizen should make it his favorite study, and consider it as an indispensable part of the education of his children.

But nations are educated like individual infants. They are what they are taught to be. They become whatever their tutors desire and invite and prepare and force them to become. They may be taught to reason correctly; they may be taught to reason perversely; they may be taught not to reason at all. The last is the case of despotism; the second, where they reason perversely, is the case of a nation with an unsettled and unprincipled government, by whatever technical name it may be distinguished; for a democracy without a constitution, though generally and justly called the school of disorder and perversity, is no more liable to these calamities than a monarchy ill defined and without a known principle of action, and where the arm of power has not that steady tension which would render it completely despotic. The first, the case in which they reason correctly, if it ever existed or ever is to exist, must be ours. Our nation must, it can, its legislators ought to say it *shall*, be taught to reason correctly, to act justly, to pursue its own interest upon so large a scale as not to interfere with the interest or at least with the rights of other nations. For the moment it should interfere with theirs, it could no longer be said to be pursuing its own.

What then are the interests of this nation which it becomes us as private citizens (without any mission but the autocratical right of individuals) to recommend to the great body of the American people on this auspicious occasion? The most obvious and I believe the most important are comprised in two words; and to them I shall confine my observa-

tions: *public improvements* and *public instruction.* These two objects, though distinct in the organization which they will require, are so similar in their effects, that most of the arguments that will apply to one, will apply equally to both. They are both necessary to the preservation of our principles of government; they are both necessary to the support of the system into which those principles are wrought, the system we now enjoy; they are each of them essential, perhaps in an equal degree, to the perfecting of that system, to our perceiving and preparing the ameliorations of which it is susceptible. I shall dwell exclusively on these two objects, not because they are the only ones that might be pointed out, but because their importance, their immediate and pressing importance, seems to have been less attended to and probably less understood than it ought to have been among the general concerns of the Union.

Public improvements, such as roads, bridges and canals, are usually considered only in a commercial and economical point of light; they ought likewise to be regarded in a moral and political light. Cast your eyes over the surface of our dominion, with a view to its vast extent; with a view to its present and approaching state of population; with a view to the different habits, manners, languages, origin, morals, maxims of the people; with a view to the nature of those ties, those political, artificial ties, which hold them together as one people, and which are to be relied upon, to continue to hold them together as one people when their number shall rise to hundreds of millions of freemen possessing the spirit of independence that becomes their station. What anxiety, what solicitude, what painful apprehensions must naturally crowd upon the mind for the continuance of such a government, stretching its thin texture over such a country, and in the hands of such a people! The prospect is awful; the object, if attainable, is magnificent beyond comparison; but the difficulty of attaining it and the danger of losing it, are sufficient to cloud the prospect in the eyes of many respectable citizens, and force them to despair. Despair in this case, to an ardent spirit devoted to the best good of his country, is a distressing state indeed. To despair of preserving the federal union of these republics, for an indefinite length of time without a dismemberment, is to lose the highest hopes of human society, the greatest promise of bettering its condition that the ef-

forts of all generations have produced. The man of sensibility who can contemplate without horror the dismemberment of this empire, has not well considered its effects. And yet I scarcely mingle in society for a day without hearing it predicted, and the prediction uttered with a levity bordering on indifference; and that too by well disposed men of every political party. Hence I conclude that the subject has not been examined with the attention it deserves.

I am not yet so unhappy as to believe in this prediction. But I should be forced to believe in it if I did not anticipate the use of other means than those we have yet employed to perpetuate the union of the States. They must not be coercive means. Such ones in most cases would produce effects directly the reverse of what would be intended. Our policy does not admit of standing armies; and if it did, we could not maintain them sufficiently numerous to restrain great bodies of freemen with arms in their hands, blinded by ignorance, heated by zeal and led by factious chiefs; and if we could maintain them strong enough for that purpose, we all know they would very soon overturn the government they were intended to support.

With as little prospect of success could we rely upon legislative means; that is, upon laws against treason and misdemeanor, or any other chapter of the criminal code. Such laws may sometimes intimidate a chief of rebels, or a few unsupported traitors. But a whole geographical district of rebels, a half a nation of traitors would legislate against you. They would throw your laws into one scale and their own into the other, and toss in their bayonets to turn the balance.

No, the means to be relied upon to hold this beneficent union together, must apply directly to the interest and convenience of the people; they must at the same time enable them to discern that interest and be sensible of that convenience. The people must become habituated to enjoy a visible, palpable, incontestible good; a greater good than they could promise themselves from any change. They must have information enough to perceive it, to reason upon it, to know why they enjoy it, whence it flows, how it was attained, how it is to be preserved and how it may be lost. The people of these States must be educated for their station, as members of the great community. They must receive a republican education; be taught the duties and the rights of freemen; that is,

of American freemen ; not the freemen that are so by starts, by frenzy and in mobs; who would fill the forum at the nod of Clodius, or the prytaneum at that of Cleon ; nor the freemen of one day in seven years who would rush together for sale at the hustings of Brentford, and clamor and bludgeon for a man whose principles and person were to them alike unknown and unregarded.

Each American freeman is an integral member of the sovereignty ; he is a co-estate of the empire, carrying on its government by his delegates. The first right he possesses, after that of breathing the vital air, is the right of being taught the management of the power to which he is born. It is a serious duty of the society towards him, an unquestionable right of the individual from the society.

In a monarchy the education of the prince is justly deemed a concern of the nation. It is done at their expense; and why is it so? it is because they are deeply interested in his being well educated ; that he may be able to administer the government well, to conduct the concerns of the nation wisely, on their own constitutional principles. My friends, is it not even more important that our princes, our millions of princes, should be educated for their station, than the single prince of a monarchy? If a single prince goes wrong, obstinately and incurably wrong, he may be set aside for another, without overturning the state. But if our sovereigns in their multitudinous exercise of power should become obstinate and incurable in wrong, you cannot set them aside. But they will set you aside ; they will set themselves aside ; they will crush the state and convulse the nation. The result is military despotism, dismemberment of the great republic, and, after a sufficient course of devastation by civil wars, the settlement of a few ferocious monarchies, prepared to act over again the same degrading scenes of mutual encroachment and vindictive war, which disgrace modern Europe ; and from which many writers have told us, that mankind are never to be free.

Our habits of thinking and even of reasoning, it must be confessed, are still borrowed from feudal principles and monarchical establishments. As a nation we are not up to our circumstances. Our principles in the abstract, as wrought into our state and federal constitutions, are in general worthy of the highest praise ; they do honor to the human intellect. But the practical tone and tension of our minds do not well cor-

respond with those principles. We are like a person conversing in a foreign language, whose idiom is not yet familiar to him. He thinks in his own native language, and is obliged to translate as he talks; which gives a stiffness to his discourse and betrays a certain embarrassment which nothing can remove but frequent exercise and long practice. We are accustomed to speak and reason relative to the people's education precisely like the aristocratical subjects of a European monarchy. Some say the people have no need of instruction; they already know too much; they cannot all be legislators and judges and generals; the great mass must work for a living, and they need no other knowledge than what is sufficient for that purpose. Others will tell you it is very well for the people to get as much education as they can; but it is their own concern, the state has nothing to do with it; every parent, out of regard to his offspring will give them what he can, and that will be enough.

I will not say how far this manner of treating the subject is proper even in Europe, whence we borrowed it. But I will say that nothing is more preposterous in America. It is directly contrary to the vital principles of our constitutions; and its inevitable tendency is to destroy them. A universal system of education is so far from being a matter of indifference to the public, under our social compact, that it is incontestably one of the first duties of the government, one of the highest interests of the nation, one of the most sacred rights of the individual, the vital fluid of organized liberty, the precious aliment without which your republic cannot be supported.

I do not mean that our legislators should turn pedagogues; or send their commissioners forth to discipline every child in this nation. Neither do I mean to betray so much temerity as to speak of the best mode of combining a system of public instruction. But I feel it my duty on this occasion to use the freedom to which I am accustomed, and suggest the propriety of bringing forward some system that shall be adequate to the object. I am clearly of opinion that it is already within the power of our legislative bodies, both federal and provincial; but if it is not, the people ought to place it there, and see that it is exercised. It is certain that the plan, if properly arranged and wisely conducted, would not be expensive. And there is no doubt of its absolute irresistible ne-

cessity, if we mean to preserve either our representative principle or our federal union.

It is not intended that every citizen should be a judge or a general or a legislator. But every citizen is a voter; it is essential to your institutions that he should be a voter; and if he has not the instruction necessary to enable him to discriminate between the characters of men, to withstand the intrigues of the wicked and to perceive what is right, he immediately becomes a tool for knaves to work with; he becomes both an object and an instrument of corruption; his right of voting becomes an injury to himself and a nuisance to society. It is in this sense that the people are said to be "their own worst enemies." Their freedom itself is found to be an insupportable calamity; and the only consolation (a dreary consolation indeed) is that it cannot last long.

The time is fast approaching, when the United States will be out of debt, if no extraordinary call for money to repel foreign aggression should intervene. Our surplus revenue already affords the means of entering upon the system of public works, and beginning to discharge our duty in this respect. The report of the secretary of the treasury on these works, which is or ought to be in the hands of every citizen, will show their feasibility as to the funds; and it develops a part of the advantages with which the system must be attended. But neither that distinguished statesman nor any other human being could detail and set forth all the advantages that would arise from such a system carried to its proper extent. They are incalculably great and unspeakably various. They would bind the states together in a band of union that every one could perceive, that every one must cherish, and nothing could destroy. This of itself is an advantage so great, if considered in all its consequences, that it seems almost useless to notice any other. It would facilitate the means of instructing the people; it would teach them to cherish the union as the source of their happiness, and to know why it was so; and this is a considerable portion of the education they require. It would greatly increase the value of property and the wealth of individuals, and thereby enable them to augment the public revenue. But what is more, it would itself augment the revenue in a more direct manner by enhancing the value of the public lands; which would thus sell faster and bring a higher price. In this manner the first monies laid out by the go-

vernment on roads and canals would be a reproductive property; it would be constantly sending back more money into the treasury than was taken from it for this purpose. So that all the advantages of every kind, public and private, present and future, commercial and economical, physical, moral and political, would be so much clear gain. There would be nothing destroyed but errors and prejudices, nothing removed but the dangers that now threaten our invaluable institutions.

To do equal justice and give satisfaction to the people in every state in the Union, the sums to be expended in each year should be distributed in the several States according to their population. This is the general understanding among the friends of the system; and the secretary has not neglected to keep it in view in his luminous report.

Our present legislators ought to consider how much true glory would redound to them from being the first to arrange and adopt such a system. How different from the false glory commonly acquired by the governments of other countries. Louis XIV toiled and tormented himself and all Europe through a long life to acquire glory. He made unjust wars, obtained many victories, and suffered many defeats. He augmented the standing armies of France from 40,000 to 200,000 men; and thus obliged the other powers of Europe to augment their means of defence in that proportion; means which have drained the public treasuries and oppressed the people of Europe ever since. And what is the glory that now remains to the name of Louis XIV? Only the canal of Languedoc. This indeed is a title to true glory; and it is almost the only subject on which his name is now mentioned in France but with opprobrium and detestation.

The government of England expended one hundred and thirty nine millions sterling in the war undertaken to subjugate the American colonies. This sum, about six hundred millions of dollars, laid out in the construction of canals at twenty thousand dollars a mile, would have made thirty thousand miles of canal; about the same length of way as all the present post roads in the United States and their territories; or a line that would reach once and a quarter round the globe of this earth on the circle of the equator. Or if the same sum could be distributed in a series of progressive improvements, a part in canals and a part in roads, bridges and school esta-

blishments, beginning with two millions a year, according to the proposition of the secretary of the treasury, and increasing as the surplus revenue would increase, to ten or fifteen millions a year, it would make a garden of the United States, and people it with a race of men worthy to enjoy it; a garden extending over a continent; giving a glorious example to mankind of the operation of the true principles of society, the principles recognised in your government. Many persons now in being might live to see this change effected; and most of us might live to enjoy it in anticipation by seeing it begun.

The greatest real embarrassment we labor under at present, arises from our commercial relations; the only point of contact between us and the unjust governments of Europe. By their various and violent aggressions they are constantly disturbing our repose, and causing us considerable expenses. In this case what is to be done? We cannot by compact expect to obtain justice, nor the liberty of the seas from those governments; it is not in the nature of their organisation. Shall we think of overpowering them in their own way, by a navy stronger than theirs; brutal force against brutal force, like the ponderous powers of Europe among themselves? This at present is impossible; and if it were possible, or whenever it should be possible, it would be extremely impolitic; it would be dangerous, if not totally destructive, to all our plans of improvement, and even to the government itself.

Has then a beneficent providence, the God of order and justice, pointed out another mode of defence, by which the resources of this nation may be reserved for works of peace and the advancement of human happiness? Has the genius of science and of art raised up a new Archimedes to guide the fire of heaven against the fleets that may annoy us? I cannot but hope it has; not by the ardent mirror; but by means altogether more certain, less dependent on external circumstances, capable of varying and accommodating their mode of attack and defence to all the variety of positions and movements common to ships of war.

I know not how far I may differ in opinion from those among you who may have turned their attention to the subject to which I now allude; or whether any person present has really investigated it. But I should not feel easy to lose the present occasion (the only one that my retired life renders it

probable I shall ever have of addressing you) to express my private opinion that the means of submarine attack, invented and proposed by one of our citizens, carries in itself the eventual destruction of naval tyranny. I should hope and believe, if it were taken up and adopted by our government, subjected to a rigid and regular course of experiments, open and public, so that its powers might be ascertained and its merits known to the world, it would save this nation from future foreign wars, and deliver it from all apprehension of having its commercial pursuits and its peaceful improvements ever after interrupted. It might rid the seas of all the buccaneers both great and small that now infest them; it might free mankind from the scourge of naval wars, one of the greatest calamities they now suffer, and to which I can see no other end.

These opinions may be thought hazardous. But I beg my fellow citizens to believe that I have examined the subject, or I should not hazard them. Several of the great arts that are now grown familiar in common life were once thought visionary. This fact should render us cautious of making up our judgment against an object like this, in the higher order of mechanical combinations, before we have well considered it. With this observation I drop the subject; or rather I resign it into abler hands; the hands of those who have the power as well as inclination to pursue the best good of our beloved country.

I should not have introduced it in this place were it not for its immediate connexion with the means of commencing and prosecuting those vast interior improvements which the state of our nation so imperiously demands; which the heroes of our revolution, the sages of our early councils, the genius of civilization, the cause of suffering humanity have placed within our power and confided to our charge.

THE END.

LETTER

TO

HENRY GREGOIRE,

BISHOP, SENATOR, COMPTE OF THE EMPIRE AND MEMBER

OF THE INSTITUTE OF FRANCE,

IN

REPLY TO HIS LETTER

ON THE

COLUMBIAD

BY JOEL BARLOW, L. L. D.

Fellow of the American Philosophical Society, and of several other learned institutions.

WASHINGTON CITY:

PRINTED BY ROGER CHEW WEIGHTMAN.

1809.

Editors of Public Journals, who have published Gregoire's letter, are requested to insert the following reply as soon as convenient. It is an act of justice due to him, and to the character of their Journals, as well as to the Author.

LETTER.

My Dear Good Friend,

I HAVE received your letter, at once complimentary and critical on the poem I sent you. Our venerable friend archbishop Carroll informs me that he has likewise received from you a copy of the same letter; and he has expressed to me in conversation, with the same frankness that you have done in writing, his displeasure at the engraving which has offended you.

While I assure you that I sincerely mingle my regrets with yours and with his on this subject, permit me, my excellent Gregoire, to accompany them with a few observations that I owe to the cause of truth and to my own blameless character. Yes, my friend, I appeal to yourself, to our intimate intercourse of near twenty years, when I repeat this claim of character. It cannot be denied me in any country; and your letter itself, with all its expostulating severity, is a proof of the sentiment in you which justifies my appeal.

The engraving in question is gone forth, and unfortunately cannot be recalled. If I had less delicacy than I really have towards you and the other catholic christians whom you consider as insulted by the prostration of their emblems which you therein discover, I might content myself with stating, what is the fact, that this engraving and the picture from which it was taken were made in England while I was in America; and that I knew nothing of its composition till it was sent over to me not only engraved, but printed and prepared for publication. My portion therefore in the crime, if it is a crime, is only the act of what our lawyers term an accomplice after the fact. But my affectionate regard for an offended brother will not suffer me to meet his complaint with so short an answer. I must

discuss the subject, and reply to the whole charge as though it were all my own; premising, as I have already done, that I am sorry there is occasion for it, and regret that the engraving was ever made.

How much our religious opinions depend on the place of our birth! Had you and I been born in the same place, there is no doubt but we should have been of the same religion. Had that place been Constantinople we must have been musselmen. But now the musselmen call us infidels; we pity their weakness and call them infidels in our turn. I was born in a place where catholic christians are not known but by report; and the discipline of our sect taught us to consider them, not indeed as infidels, but as a species of idolaters. It was believed by us, though erroneously, that they worshipped images. We now find that they employed them only as instruments of worship, not as the object. But there is no wonder that to the vulgar apprehension of our people it should appear as we were taught to believe; and that those nations who bow the knee before these emblems of deity, and address their prayers to them, should be considered as really worshipping them. This idea was perhaps corroborated by their prayers being uttered in an unknown tongue.

The decalogue of Moses had inspired us with an abhorrence for images, and for those who bow down to them and worship them; and hence arose our unhappy aversion to the catholics. We were told that their churches were full of pictures, statues and other visible representations, not only of the blessed virgin, of all the apostles and many of the saints, but of every person in the holy trinity. Our fathers had protested against that great section of the christian family which calls itself the mother church, not merely on account of the sale of indulgences, against which Luther had led the revolt, but likewise on account of its making these pretended images of the inimageable God.

The sect of puritans, in which I was born and educated, and to which I still adhere for the same reason that you adhere to the catholics, a conviction that they

are right, were the class of reformers, who placed themselves at the greatest remove from the mother church, and retained the least respect for her emblems and the other ceremonials of her worship. They could suffer no bishops, no mitres, crosiers, crucifixes or censers. They made no processions, carried no lighted candles through the streets at noon day; neither did they leave them burning in their churches through the night, when no human eye was there to see them, having entirely lost sight of this part of the institutions of Zoroaster, Isis, and Ceres. They would not allow their prayers to be written in any language, not even in Latin, though they did not understand it. But they chose to utter their supplications extempore, like their other discourses, to communicate their own ideas, to express their wants and offer their confessions directly to the invisible God; through a mediator indeed, but without holding him in their hand, or having him fixed in effigy on a cross before their eyes. They had no organs in their churches, no instrumental music in their worship, which they held to be always profane.

These people made use of no cross but the mystical one of mortifying their sins; and if they had been called upon to join in a crusade to the holy land, they must have marched without a standard. They would have fought indeed with as much bravery as saint Louis or the lion Richard; but when they had reconquered the tomb of Christ they would have trampled on the cross with as fervent a zeal as they would upon the crescent. They were not conversant with what we call the fine arts; they spoke to the ear, but not to the eye; and having no reverence for images or emblems, they despised those that had, though they were doubtless wrong in so doing.

I mention these things, my worthy friend, not with the least idea of levity or evasion; but to prove to you how totally you have mistaken my meaning and my motive; to show by what chain of circumstances, mostly foreign to our own merits or demerits, our habits of opinion, our cast of character are formed; to

show how natural it is that a man of my origin and education, my course of study and the views I must have taken of the morals of nations, their causes and tendencies, should attribute much of the active errors that afflict the human race to the use of emblems, and to the fatal facility with which they are mistaken for realities by the great vulgar of mankind; how the best of christians of one sect may consider the christian emblems of another sect, as *prejudices* of a dangerous tendency, and honestly wish to see them destroyed; and all this without the least hostility to their fundamental doctrines, or suspicion of giving offence.

I never supposed that those Hollanders who, to obtain leave to carry on commerce in Japan, trampled on the cross, as a proof that they did not belong to the same nation with the Portuguese who had done so much mischief in that island, really meant to renounce their religion as christians, when they trod upon its catholic emblem. The act might be reprehensible, as being done for lucre; but it must appear extremely different in the eyes of different sects of christians. To a catholic, who identifies the cross with the gospel, our only hope of salvation, it must appear a horrid crime; but to a protestant we may easily conceive it might appear of little moment, and by no means as a renunciation of the gospel.

You have now furnished in your own person an additional example, and a most striking one, of identifying the symbol with the substance. In your letter to me, you treat the cross and the gospel as the same thing. Had I been sufficiently aware of the force of that habit of combination among the catholics, especially in a mind of those accute perceptions and strong sensibilities which I know to belong to yours, I should surely have suppressed the engraving.

You must perceive by this time, that you have mistaken my principles and feelings in another point of view. You suppose I should be greatly offended "to see the symbols of liberty, so dear to me, trampled under foot before my eyes." Not at all my friend

Leave to me and my country the great realities of liberty, and I freely give you up its emblems. There was no time in the American revolution, though I was then young and enthusiastic, when you might not have cut down every liberty pole and burnt all the red caps in the United States, and I would have looked on with tranquillity, perhaps have thanked you for your trouble. My habits of feeling and reasoning, already accounted for, had accustomed me to regard these trappings rather as detrimental than advantageous to the cause they are meant to support. These images we never greatly multiplied in this country. I have seen more liberty caps at one sitting of the Jacobin club in Paris, than were ever seen in all America.

You will say perhaps that it is the difference of national character which makes the distinction. This is doubtless true; but what has been the cause of this difference in the character of our two nations? Has not the universal use of emblems in one, and the almost universal disuse of them in the other, had as great if not a greater effect than all other causes, in producing such difference? I do not say that our national character is better than yours; far from it. I speak frankly, I think you undervalue the French character. I have a high esteem for that nation. They are an amiable, intelligent, generous, hospitable, unsuspicious people. I say nothing of their government, whether regal, revolutionary or imperial. In private friendship they are as disinterested and unshaken, at least as any people I have seen. Of this I could cite numerous examples, both within my own experience and that of others; though it would establish my position in my own mind if I were able to mention none but you.

It would indeed be paying too high a compliment to any nation on earth to cite Gregoire as a sample of its moral and social character. If all catholics had been like you, the world at this day would all be catholics: And I may say, I hope without offence, that if all pagans had been like you, the world had all been pagans; there might have been no need of catholics, no pretext for the sect of puritans.

This is an amicable discussion between you and me. The suavity of your manner does honor to the fortitude with which you defend your principles; though it is not easy to perceive against what opponent you are defending them. Your letter expatiates in a wide field and embraces many subjects. But really, my friend, the greater part of it has nothing more to do with me than one of Cicero's letters to Atticus. You begin by supposing that I have renounced christianity myself, and that I attempt to overturn the system by ridicule and insult. Neither of which is true; for neither of which have you the least color of proof. No, my honest accuser, the proof is not in the book. Review the work with all the accumen of your discernment, and you must, you will recall the hasty accusation. I defy you and all the critics of the English language to point out a passage, if taken in its natural, unavoidable meaning, which militates against the genuine principles, practice, faith and hope of the christian system, as inculcated in the gospels and explained by the apostles whose writings accompany the gospels in the volume of the new testament.

On the contrary, I believe, and you have compelled me on this occasion to express my belief, that the Columbiad, taken in all its parts of text and notes and preface, is more favorable to sound and rigid morals, more friendly to virtue, more clear and unequivocal in pointing out the road to national dignity and individual happiness, more energetic in its denunciations of tyranny and oppression in every shape, injustice and wickedness in all their forms, and consequently more consonant to what you acknowledge to be the spirit of the gospel, than all the writings of all that list of christian authors of the three last ages, whom you have cited as the glory of christendom, and strung them on the alphabet, from Addison down to Winkelman. Understand me right, my just and generous friend; I judge not my poem as a work of genius. I cannot judge it nor class it nor compare it in that respect, because it is my own. But I *know* it as a moral work; I *can* judge and *dare*

pronounce upon its tendency, its beneficial effect upon every candid mind; and I am confident you will yet join me in opinion. But let me repeat my prayer that you will not mistake the spirit of this observation. It is not from vanity that I speak; my book is not a work of genius; the maxims in it are not my own; they are yours, they are those of good men that have gone before us both; they are drawn from the gospel, from history, from the unlettered volume of moral nature, from the experience and the inexperience of unhappy man in his various struggles after happiness; from all his errors and all his objects in the social state. My only merit lies in putting them together with fidelity. My work is only a transcript of the tablet of my mind imprest with these images as they pass before it.

You will see that I have nothing to do with the unbelievers who have attacked the christian system either before the French revolution, or during or since that monumental period. I am not one of them. You say I resemble them not in any thing else; you will now add that I resemble them not in this.

So far as you have discovered a cause of the failure of that revolution in the renunciation of the christian faith by those who held, in stormy quick succession, the reins of your government, I thank you for the discovery. I was in want of more causes than I had yet perceived, to account for the unhappy catastrophe of that gigantic struggle of all the virtues against all the vices that political society has known. You have discovered a cause; but there is such a thing in logic as the cause of a cause. I have thought, but perhaps it is an error, that the reason why the minds of the French people took the turn they did, on the breaking out of the revolution, was to be found in the complicated ceremonials of their worship, and what you yourself would term the non essentials of their religion.

The reasonable limits of a letter will not allow me to do justice to this idea. To give it the proper development would require five times the volume that I shall give to the present communication. The innu-

merable varieties of pomp and circumstance which the discipline of the church had inculcated and enjoined, became so incorporated with the vital principles of faith and practice; and these exteriors were overloaded with abuses to such a degree, that to discriminate and take them down, without injuring the system, required a nicer eye than the people can possess, a steadier hand than can comport with the hurried movement of a great revolution.

The scaffolding of your church, permit me to say it, had so enclosed, perforated, overlooked and underpropt the building, that we could not be surprised, though sorely grieved, to see the reformer lay his hand, like a blind Samson, to the great substantial pillars, heave and overturn the whole encumbered edifice together, and bury himself in the ruins. Why did they make a goddess of reason? Why erect a statue of liberty? a mass of dead matter for a living energetic principle! Have the courage, my good friend, to answer these questions. You know it was for the same cause that the people of Moses, made their golden calf. The calf Apis had from time immemorial become a god in Egypt. The people were in the habit of seeing their divine protector in that substantial boval form, with two horns, four legs and a tail; and this habit was so interwoven in the texture of their mind as to become a part of the intellectual man. The privations incident to a whole moving nation subjected them to many calamities. No human hand could relieve them; they felt a necessity of seeking aid from a supernatural agent, but no satisfaction in praying to an invisible God. They had never thought of such a being; and they could not bring themselves at once to the habit of forming conceptions of him with sufficient clearness and confidence to make him an object of adoration, to which they could address their supplications in the day of great affliction.

Forty years of migration were judged necessary to suppress the habit of using idols in their worship; during which time their continual marches would render

it at once inconvenient for the people to move their heavy gods, and to conceal them in their baggage; while the severity of military discipline must expose their tents and their effects to the frequent inspection of their officers.

Shall I apply this principle to the French nation in her revolution? No, my friend, it is too delicate a task for a foreigner who has received her hospitality; I will leave it to your own compassionate and philanthropic mind. You will recollect how often I partook of your grief during that scene of moral degradation. No sooner did you and the other virtuous leaders in the revolution begin to speak of *august* liberty, *holy* reason and the *divine* rights of man, than the artizans took up the hammer, the chissel and the plaister of Paris. They must reduce these gods to form before they could present them to the people with any chance of their being understood; they must create before they could adore. Trace this principle through five years of your history, and you will find why the catholic religion was overturned, morality laid asleep, and the object of the revolution irretrievably lost, at least for our day.

My dear Gregoire, I am glad you have written me this letter, though at first it gave me pain. I was sorry to find myself so entirely misconceived by a friend so highly valued; but I see your attack is easily repelled, a thing which I know will give you pleasure, and it furnishes me an occasion at the same time to render a piece of justice to myself in relation to my fellow citizens. You must know I have enemies in this country. Not personal ones; I never had a personal enemy, to my knowledge, in any country. But they are political enemies, the enemies of republican liberty, and a few of their followers who never read my writings; that is my writings that I wrote, but only those that I did not write; such as were forged and published for me in my absence; many of which I never have seen, and some of which I did not hear of till ten years after they had been printed in the American gazettes.

It has even been said and published by these chris-

tian editors, (I never heard of it till lately) that I went to the bar of your convention, when it was the fashion so to do, and made a solemn recantation of my christian faith, declaring myself an Atheist or Deist, or some other anti-christian apostate; I know not what, for I never yet have seen the piece. Now, as an active member of that convention, a steady attendant at their sittings, and my most intimate friend, you know that such a thing could not be done without your knowledge; you know therefore that it was not done; you know I never went but once to the bar of that convention, which was on the occasion to which you allude in the letter now before me, to present an address from the constitutional society in London, of which I was a member. You know I always sympathised in your grief and partook of all your resentment while such horrors and blasphemies were passing, of which these typographical cannibals of reputation have made me a participant.

These calumnies you see could not be refuted by me while I did not know of their existence. But there is another reason which you will not conceive of till I inform you. The editors of newspapers, you know, ought to be considered as exercising a sacred function; they are the high priests of public opinion, which is the high court of character, the guardian of public morals. Now I am ashamed to inform you that there are editors in this country who will publish the grossest calumny against a citizen, and refuse to publish its refutation. This is an immorality unknown in France since the death of Marat.

A private letter of mine, written from Paris, was mutilated in this country, made to say things that I never wrote nor thought, and published in all our anti-republican papers. I saw it a year after the date and immediately wrote an explanatory letter, which re-established my first intention. This last I then published in Paris, London and Philadelphia. Not one editor who printed the original mutilated letter has, to this day, printed my answer; though it was published in

all those places ten years ago. And perhaps not one person in twenty who read the first has ever seen the second, or yet knows of its existence, except these editors who refused to publish it.

You must not suppose from this statement of facts that I am angry with these people. On the contrary, I pity and forgive them. And there is no great merit in this, for they are not my enemies. They only do the work they are set about by their patrons and supporters, the monarchists of America. Their object is not to injure me, but to destroy the effect of my republican writings.

They now publish your letter with great avidity because they think it will tend to decry my poem. It may have this effect in a small degree; but I still thank them for multiplying your publication. There is no work of yours that I do not wish to see universally read in America; and I hope soon to find in our language and in the hands of all our readers your last very curious and interesting treatise *de la literature des negres.* It is a work of indefatigable research, and brings to light many facts unknown in this country; where the cause of humanity is most interested in propagating that species of knowledge. I hope the manuscript copy of Mr. Warden's translation is not lost; or if it is, that he will be able to furnish our booksellers with another.

If I had renounced christianity, as your letter seems to suppose, that letter and my reflections on your life and conversation would certainly bring me back. For you judge me right when you say I am not ashamed to own myself possibly in the wrong; or in other words to confess myself a man. The gospel has surely done great good in the world; and if, as you imagine, I am indebted in any measure to that for the many excellent qualities of my wife, I owe it much indeed.

I must now terminate my letter; or I shall be obliged to turn from you to the public, with an apology for making it so long; since I must offer it to the public in my country, and trust to your sense of justice to do

the same in yours and in your language, in order to give it a chance of meeting your letter in the hands of all its readers. If, thus united, they serve no other purpose, they will be at least a short lived monument of our friendship, and furnish one example of the calmness and candor with which a dispute may be conducted, even on the subject of religion.

Your affectionate friend,

JOEL BARLOW

KALORAMA, 13*th Sept.* 1809.

A REVIEW

OF

ROBERT SMITH'S ADDRESS

TO THE

PEOPLE OF THE UNITED STATES.

ORIGINALLY PUBLISHED

IN THE

NATIONAL INTELLIGENCER.

PHILADELPHIA:—PRINTED BY JOHN BINNS.

1811.

A REVIEW, &c.

AN opinion had long prevailed with many persons both in and out of Congress, that Mr. Secretary Smith, from want of capacity and want of integrity, was quite unfit for his place. And towards the close of the second year of his office this conviction became so universal as not to leave the exception probably of Mr. Smith himself. We had all been astonished at his appointment; we all learned the history of that miserable intrigue by which it was effected; we regretted the necessity the President was under of casting him off, and thereby offending the few friends of the family, whom he had lately gratified at so dear a rate; and we consequently looked forward with considerable anxiety to the time when the government should relieve itself from so inconvenient a burthen.

This was done in March last; and notwithstanding the clamors of two newspapers* that have since been placing him daily before our eyes, we were forgetting Mr. Smith as fast as possible. He might have past off in silence, and even have mistaken oblivion for pardon, if he had been endowed with a moderate share of prudence. But he threatened us with a pamphlet, and he has now committed the farther folly of executing the unlucky threat. His pamphlet is before the public; and though its first characteristic is weakness, yet its wickedness is of too dangerous a tendency to be passed over without a comment.

* The *Aurora* and the *Whig*. It is not among the least extraordinary of the passing tidings of the times, that these two papers are all that have come out boldly in defence of Robert Smith: yet the *Aurora*, but a little while ago, spoke of him as a peculator; as contemptible in talents—and a co-adjutor of Aaron Burr's; and the fact is notorious in Baltimore, and well known to many here, that the *Whig* was established for the avowed and express purpose of putting down the over-bearing, dictatorial, anti-republican insolence of "the Smith's." [*Editor Press.*

We will begin with a notice of its *principle*, the gross immorality of coming before the world with such a publication. It is not possible that Robert Smith, or any other man, however coarse and clumsy the texture of his mind may be, should not perceive the shock that must be given to public morals, the stab into the vitals of executive government, the violation of one of the essential provisions of the federal constitution, necessarily involved in the principle of publishing the secrets of the cabinet. The question here is not whether his statements are true or false, nor do we enquire whether they are important or unimportant; but can such statements be made without a crime? Should they be made by a clerk in the same office of state, it would be perjury; such clerks being under an oath of secrecy. But the head of the department, the *Secretary*, whose very title signifies depositary of secrets, is supposed to be bound in honor. And civilized society went on from its commencement to the days of Robert Smith, before that tie, in so exalted a station, was found to be insufficient.

How precious is the advantage of a free press, how august the tribunal of public opinion! Here is a crime that fines and halters will not reach; not because it is too small, but because it is too great; it is like parricide escaping the code of Solon; the law has not provided for it. What then, Mr. Smith, is to hinder your example from being followed by your successors in office? I will tell you: your example itself will hinder it, and the indignation of your country which must now attend you, until you will consent to be forgotten.

Thus it cannot be said you will have lived in vain. The defects in human laws have usually been owing to some defect in the knowledge of human depravity. Your publication will have contributed to enlarge the sphere of such knowledge; and the method you have taken to injure your benefactor will have rendered a real service, if not to him, at least to the government he administers.

But to judge of the atrocity of the principle of divulging the secrets of the cabinet we ought to reflect on the consequences to which it must lead. The constitution of the United States has vested the supreme executive

power in the hands of one man, called President of the United States, and it has concentrated all the responsibility in him. The laws have distributed the labor of the administration into several departments, over each of which they have placed a chief, called *Secretary* or keeper of secrets. The President nominates these Secretaries, and removes them at pleasure; he assembles them in his cabinet for consultation, or he consults them separately; he obtains their opinions either in conversation or in writing; he adopts or rejects them at pleasure; for it must not be forgotten that he alone is responsible for the acts of the executive; he alone is the executive. Now consultation supposes discussion, doubt, different points of view, various degrees of information, change of opinion, existence of error and search after truth. All this process is confidential between him and his secretary; and for any of these heads of departments to divulge these discussions, without the consent of the President, is ceasing to be his secretaries. It is a breach of the most sacred ties of honor and of trust, it demolishes the whole fabric of the constituted authorities on which the nation had relied as a means of aiding its chief magistrate in managing its high concerns in their vast variety of details. If then his ministers have a right to publish his secrets, the consequence is he can trust them no longer, he must do so much of the work himself as his facilities will admit, and the rest must be left undone.

But Robert Smith has asserted this as a right, and has acted upon it in a most licentious manner in the pamphlet now before us. His conduct is a breach of official and personal confidence, as much more criminal than common perjury as a breach of parole, in a prisoner of war, is worse than breaking prison. And what is sufficiently singular, he has committed this crime for the express purpose of proving to his fellow citizens that he is a man of talents and worthy of his place. How unlucky for him that it proves the reverse of his own proposition!

But we will check the expression of our regret on the general character of the transaction while we examine the internal merits of the pamphlet and compare its state-

ments with what is known to persons out of office, or is easily collected from the broad surface of circumstances open to every eye. We will not dwell on the insidious conduct of its author in confining his attacks as much as possible to things known only to the person whose official station absolutely prohibits a reply; we shall waste no time in noticing what must be obvious to the reader in almost every page, a long premeditated design to vent his malice on his benefactor in this way whenever the occasion should occur. He seems to have been two years collecting weapons to fight this Parthian battle, and hurl back his arrows in retreat. But it will be like hurling them at the sun in the zenith; they will not reach the effulgent object of his hate, but, returning earthward from their feeble flight, fall on their owner's head.

In the delirium of his desire to show us the President's opinion of his talents he lays great stress upon the offered mission to Russia. He would made a much better thing of this if he had adhered to truth in his relation of the facts. We cannot know what really past in that private interview between Mr. Smith and the President, since we have only Mr. Smith to tell us; but we know what aftewards past between Mr. Smith and other people. On coming out from the President's house we know he informed the clerks in his office, and some other persons too, that he was going minister to Russia; and he did this with apparent pride and satisfaction. On the same day he handed a note to the editor of the National Intelligencer, announcing his nomination; and another note soon after appeared in the same paper magnifying the importance of his mission, declaring it to be "the most honorable appointment abroad that is in the gift of our government;" a mere editorial declaration, which is now ridiculously attributed to Mr. Madison.—This artifice is really too little to laugh at; and such a childish rattle-box might safely be left in the hand of Mr. Smith, if the same hand did not likewise hold a dagger.

And because Mr. Madison was willing to send him to Russia, does this prove him capable of conducting the Department of State? In our apprehension there is no comparison in the requisite qualifications for these two

places. The interests of the United States at St. Petersburgh, though important in their commercial amount, are very simple in their management; and this may be chiefly done by instructions from home. The President may have had good reasons for sending him into the Gulph of Finland, without paying any extraordinary homage to his talents. Mr. Smith is a man of fortune, and can afford to spend more money than the amount of his salary; which we are informed an American minister at St. Petersburgh must do, as it is said to be impossible for a family to live there in the style that the usages of that court require, on the compensation allowed by the American government to its ministers abroad.

It is not easy for us to know what the President's motives might be for this offered nomination. They might be various; some of them may have escaped our penetration, but our readers, and Mr. Smith's readers too, will surely ascribe it to any thing else rather than a confidence in his capacity and fidelity equal to the management of the Department of State.

But why should Mr. Smith in his printed book deny what is known to so many people, that he at first declared his intention of accepting the appointment to Russia, and was vain of it? Why attempt to disguise the reasons of his afterwards declining the mission? It was said at the time, but we do not guarantee the truth of the report, that his friends dissuaded him from it, on the belief that he would not pass the Senate. We do not imagine however that his vanity would admit this as a motive; the more probable cause may be that he calculated on joining the enemies of the present administration; and, at the next Presidential election, working himself into a higher station than he did at the last. We needed not the publication of his pamphlet to enable us to understand this project. The parties concerned and the manner in which they have distributed the characters for the new administration are distinctly known; and it is evident that this machinery could not be so well put in motion from the bottom of the Gulph of Finland as he thought it could from Baltimore.

Mr. Smith begins his pamphlet with a very singular mistake. He says he owes to the people an exposition of the circumstances which produced his resignation of the department of State. It is not impossible that a man of a delicate sense of obligation and not accurate in his accounts should think he owes a debt, that he really does not owe; and we are inclined to believe that this is such a case. We cannot think the people had any legal claim on that gentleman for this exposition, even if it had been a true one. But certainly they had no right to such a one as this; and now, as a portion of that same people to whom he has given it, we here undertake to restore it entire to the said Robert Smith. We will count it out in full tale, piece by piece, just as he paid it in. And after detecting his false coins, his clipt guineas and sweated eagles with which he has paid the debt he did not owe, we will reverse the account current, audit the articles and compare his vouchers. We will expose his "*exposition;*" and though he has signed the account without the usual reserve of *errors excepted*, we will still grant him the privilege to take it all back and say no more about it.

His great effort is to resolve the President's dissatisfaction with him into other causes than his own incapacity. For this purpose he mentions twelve distinct cases in which *he says* that he and the President differed in opinion. This is the first time, we had almost said, we ever heard that Robert Smith differed in opinion with any body. But we will follow him in his twelve cases.

Art. 1st. The letter to Mr. Erskine of August 1809, which he has given us *in extenso*, is the first case stated by Mr. Smith. He does not inform us what is the inference he means we should draw from this article of his exposition. He says that Mr. Madison was displeased at this letter, and that we the people should have no difficulty in discovering the cause of it.—Really this is paying too high a compliment to our discernment. We cannot discover this cause. We thought ourselves pretty good divers, but this is going too deep for us; we cannot follow Mr. Smith in this leading plunge. There is, however, one solution of the difficulty sufficiently obvious; it is that

there was no cause; and as in our logic an effect does not exist without a cause, we conclude by denying that Mr. Madison ever was displeased with that letter. There is not the least proof of it existing *out of the Cabinet;* and since we have undertaken to scrutinize the statements of Mr. Smith, we must inform him once for all that when he asserts a thing that is improbable in itself, we shall require some proof besides his assertion. This rule is particularly reasonable, when his assertions are intended to criminate a person who cannot answer for himself, and against whom Mr. Smith, according to his own confession, had a great store of vengeance in his vials.

Art. 2d. Macon's Bill's. He labors to produce a great effect from a pretended difference of opinion on the subject of these bills. He says they were fastened on Mr. Macon by a certain management. It is well known to those who read newspapers that they were shifted from Mr. Macon and fastened on Mr. Gallatin, for a certain purpose. Here they remained for about a year and a half, constantly kept in agitation by one or two of Mr. Smith's newspapers; till, unlike the *gutta sæpe cadendo,* they were found not to wear into that rock, as was intended; and now Mr. Smith, for a certain other purpose, has shifted them again, and laid them on Mr. Madison.

But before they are shifted a third time let us take a look at those bills. It is time they were viewed in their true light. Let it be recollected that the non-intercourse law which had been enacted to oppose belligerent edicts was to expire with the session of Congress before the last. The question was whether complete submission should ensue, contrary to the almost unanimous determination of Congress, and the sentiment of the nation, which submission would give to the power commanding the sea the commercial re-colonization of these states, and it would give her moreover a motive of interest to perpetuate her orders in council; or whether a substitute, and what substitute, should be provided. For it was evident that the non-intercourse would not be re-enacted.

In this state of things the first of these bills was introduced. It was certainly good as far as it went; it did

not preclude the adoption of any further regulations of a commercial nature that should be more vigorous; and it is well known that such were in contemplation by many, as far as should be found attainable. But that nothing farther was really attainable is evident from the form in which the bill finally passed; the consequences of which are now pending.

We forwarn our readers that our remarks on the original bill are not to imply any censure on the majority of Congress who rejected it. Its *general principle* was to remove all restrictions from our commerce and navigation, and let them fall on the belligerents.

The *advantages* of this would be to leave no difficulty at home in enforcing our own laws. The non-intercourse had been found not only difficult to enforce but injurious and insufficient. For Great Britain monopolized the navigation through Madeira, Amelia Island, Halifax and Montreal, as places of deposit.

The bill proposed to exclude, 1. all armed vessels of belligerents, 2. all unarmed vessels of belligerents.

Its effect, as applied to England, would be as follows: her vessels not being admitted into our ports, all our exports to and imports from her dominions would have been in American vessels, unless she excluded these; and to meet this contingency, another clause of the bill was to prohibit importations of English produce and manufactures, unless brought in American vessels, and from the place of growth or produce; that is British manufactures from Great Britain alone, and West India goods from the British West India Islands alone.

What must England then have done? Either, 1. submit to our law, in which case all commerce would be carried on in our own vessels, setting all shipping interest against her government; or 2. exclude by retaliation our vessels, in which case (by reason of the clause of our bill last alluded to) she herself would forbid the exportation of her manufactures into the United States, setting all her manufacturing interest against her government.

The consequence of all this would be,

1. As to ourselves, we should have either a monopoly of commerce and navigation with Great Britain, or

a complete and effectual non-intercourse; which need not be enforced by our own obnoxious laws, and of which domestic enemies would not attach the blame to our own government.

2. As to Great Britain it afforded the strongest weapon to force her to repeal her orders in council, since she could not keep them without offending her manufacturing or shipping interest or both.

3. We could sustain this system forever, thereby avoiding the unpopularity and inconveniences of perpetual alterations.—And this being well known to Great Britain would enforce still more the necessity of repealing her orders.

4. It entangled us with neither power by pledges or contingent acts, and left us on perfectly independent American ground.

Objections. The principal and almost only objection ever offered to this bill either in or out of Congress was *want of energy*,

On which let us observe:

1. Its opposers offered no substitute.

2. They offered no amendment, but to strike out the excluding clauses; agreeing at the same time to repeal the non-intercourse; and therefore supporting a measure still weaker than the bill.

3. The bill was meant as a substitute to the non-intercourse, and had no connection with any other measures which might be adopted; such as preparing for war by a practicable organization of military force, as proposed in a subsequent message; permitting private vessels to arm, or declaring war itself. All which were measures distinct and independent, and not inconsistent with the bill.

4. The federalists themselves, well aware of the efficacy of the bill, opposed it, voted uniformly against it with other enemies; and through their aid alone was Mr. Smith's brother, with his little phalanx, enabled ultimately to defeat it.

Such is the general character of that famous bill which Mr. Smith calls Macon No. I. It was adopted in the house of representatives by a great majority; it was defeated in the Senate, as is well known, by the manage-

ment of General Smith, where it was finally rejected by a majority of a single vote.

But what gives Mr. Smith a right at this day to proclaim himself in opposition to that bill? Was it ever laid before the Cabinet and opinions taken? Did he there oppose it? Did he not rather approve it, and give his vote for every article? Did he ever utter a syllable against it, till his more acute brother discovered the commercial bearing that it would have upon the house, and concluded that their interest required its rejection?

Article 3. *The President's Message of January*, 1810. And does Mr. Smith really think this measure was too *weak* or too *strong?* For he has not informed us. He only tells us that it was the *President's* measure, and therefore wrong. He seems to say this to shew the variety of his talents; and among others that of self contradiction; for he before told us that the Macon bill was the President's great efficient measure of the session. He assures us that the language of this message is ambiguous; he has found somebody in the Senate, as he says, who called it a Delphic Oracle; and neither he nor this priest of Apollo can tell whether twenty thousand men means war or peace. But to save them both the pains of solving this enigma, we will suppose the President himself did not know whether it was to be war or peace. Now there is nothing in this supposition disrespectful to the Chief Magistrate; for we ourselves, though very wise and the reviewers of Mr. Smith's book, and though now eighteen months and two days older than we were when this oracle was uttered, do not yet know whether it is to be war or peace; nay, scarcely know whether during these same months and days we have been in war or peace.

Did this sagacious Secretary never hear of such a thing as a medium state between declared war and secure peace? We should think that a barber's block under the wig of a statesman could easily catch the idea. But what would have been the plan of Mr. Smith "under an imperious call for war." "To *organize* the *physical resources* "of the country, to bring them forth in a *tone* universally "manifesting *abroad and at home* a determination to take a

" *manly* stand." When this inflated verbiage shall be translated into positive measures of a precise meaning, the public may judge of the wisdom of its author; at present they can only judge of his weakness.

Did Mr. Smith make his objections and give his reasons at the time and place officially proper to make and give them? If, in any instance, instead of doing this, he has waited for after thoughts and doubtful events, to seek praise or frame charges, there will be no difficulty in assigning him his proper niche.

Article 4 and 6. *Non-intercourse act* of the last session. Mr. Smith should have said *non-importation act.* He says it was introduced by presidential influence; another *ipse dixit* of our random author; which, according to the rule of evidence we have already established, cannot be admitted without proof; and he has given none.

But no matter; let us examine the act upon its merits, with its attendant circumstances. This act was certainly a proper one if the French government had revoked its decrees in strict conformity to the provisions of the former act pledging the United States; or if it tended more effectually to attain the object of Congress in that previous act.

You know it had been the aim of our government for two or three years to divide the belligerents by inducing the one or the other of them to revoke its edicts, so that the example would lead to a revocation by the other or our contest be limited to a single one. And it should be remarked that each of them had promised to be the second to revoke, but each seemed unwilling to be the first. Accordingly our law of May 1810, offered to the power first revoking a non-importation against the other. France then revoked, as by the declaration of the 5th August. The President's proclamation, in pursuance of the law, put the non-importation in force against the other belligerent.

Had France forfeited her claim to this measure when Congress confirmed and enforced it by the act of the last session? So far as believed or ascertained, she had not. Mr. Smith knows that no evidence existed of a single act of the French government or its courts showing that the

decrees were not repealed, so far as the repeal was required by the offer of Congress accepted by France. Doubts had indeed arisen as to the time the repeal would take effect; whether the 1st of November or the 1st of February following. Although even this was not admitted by France, yet there was room for question and discussion which might have embarrassed the execution of our laws. Hence the expediency of settling the matter by a positive statute; unless it would have been advisable to risk national honor by breaking a contract on doubtful ground, or to hunt for a flaw on the other side to enable us to annul an arrangement (sought by Congress itself in a former law) producing, though three months later than had been first expected, the example of one belligerent to wield against the other.

It is said by Mr. Smith that the act for enforcing the arrangement departed from the arrangement. If it did so, it was in relation not to the essence of the arrangement, but merely as to the time of its mutual execution. And we the public shall better understand the matter when the explanation which we perceive was sent with the act, and which must have been at least *signed* by Mr. Smith, shall come before us.

"It is a sorrowful truth, says Mr. Smith, that the act did not provide for several obvious cases wherein our merchants, &c." Did he take any steps to cause such provision to be introduced? If his official squeamishness prevented him from even hinting the case to any member of Congress, yet, as he professes to be for open and direct recommendation in all cases by the executive, did he propose or hint any such provision to the President, which his office enabled him to do? We must conclude that he did not: because he has given sufficient proofs that no official delicacy would have suppressed the boast of it which his vanity would have prompted.—In this, as in other instances, he contents himself with the merit of finding out faults when too late to amend them, and foreseeing events after they have happened.

Mark his equivocations and evasions on the French repeal and the President's proclamation. "If the revocation did actually take place as declared by the proclama-

tion, then it became a compact," &c. "If however the emperor of the French did not in fact revoke, as declared by proclamation, the act of May did not become a compact, &c." Why thus shrink from an opinion whether the proclamation was legal and proper or not? No man would be safer than Robert Smith in expressing one or the other of these opinions; for he could certainly find plenty of persons who could witness his having entertained either or both of them, as the political horizon varied and the tide of party set.

Many of our merchants and ship masters have suffered and still suffer very unjustly by French spoliation. They cry out that the Berlin and Milan decrees are not revoked; and Mr. Smith joins them in the clamor, thereby confounding the two maritime decrees with the municipal decree confiscating American property which arrived in France, which had not been restored nor promised to be restored. This confusion of distinct and separate facts might be an honest mistake in them. But Mr. Smith would not thank us for supposing it so in him, since he seems quite as anxious to be thought sagacious as to be thought honest.

This subject deserves some developement.

It has been the practice of our government to distinguish between belligerent maritime edicts violating our neutral rights, and edicts authorising other depredations on the property of our citizens. It has even admitted the distinction, for the time being, between the revocation of them as to the future, and indemnity for past spoliations committed under them. They have also kept separate from these maritime orders and decrees, other wrongs of various sorts arising some from iniquitous confiscations on land, some from acts rendered unlawful from their being insidious and ex post facto, and others uniting both characters, being unlawful in themselves as well as insidious and retrospective.

The French decree of March, 1810, which committed such barbarous and extensive spoliations on our commerce arriving in the ports of France, owes its enormity and its turpitude chiefly to its being retrospective and ensnaring. With a previous and sufficient notice the French

government, had a right to modify or forbid our commerce with France (no treaty restraining it) as it pleased. We might reproach the unfriendliness of such an exercise of sovereignty, and we might retaliate in any way deemed proper within our own rights of sovereignty. But we could not in strictness arrange such municipal spoliations under the head of violations of our *neutral* rights, nor of consequence regard them as contemptible by the act of Congress defining the acts whose revocation would satisfy the conditions of that act.

In like manner, the British government was chargeable with various extensive depredations on American commerce, which, besides being violations of our commercial rights on the high seas, were also ex post facto and insidious; the more so in some instances as contradicting previous assurances. What other character can be given to all the proclamation blockades, as communicated to our ministers, to take effect from the day of such communication?.

So again in the case of the immense captures and confiscations in the year 1805, which kindled such a flame through the United States and among all our political parties. In this instance the British government had regularly declared to Mr. King that colonial produce entering our ports and paying duties might be safely exported. This information had been duly published for the information of our merchants, and under the faith of it they proceeded on foreign voyages. No sooner, however, were they lulled to security and gone within the grasp of British cruizers and courts, than they became a prey to insidious and retrospective orders to the amount of many millions.

What in this respect was the British order of the 7th of January, 1807? On the 31st December preceding, our negociators there were told that some such measures must take place if the United States did not oppose the Berlin decree. Seven days after, out came the order forbidding to our vessels the trade from one port of Europe to another; thus respectively and insidiously as well as contrary to our neutral rights, making prey of all vessels

then out or to go out before a knowledge of the order could cross the Atlantic.

Under this proceeding it is well known that great numbers were seized and sent into British ports. It is true that before they were to be liable to condemnation a warning under the order was to be given: but in many cases a return home was equivalent to a total loss, and in all cases the great though partial loss was the effect of the retrospective and ensnaring measure.

One other instance may be added. In April, 1804, the British minister, Mr. Merry, communicated to our government an instruction from his government to the naval commanders and courts in the West Indies, "not to consider any blockade of those islands as existing, unless "in respect of particular ports which may be actually invested, and not then to capture vessels bound to such "ports, unless they shall have been previously warned "not to enter them."

On the same day he communicated a blockade of the islands of Curracoa, with an assurance that "the blockade would be conducted conformably to the above instructions." The blockade was not conducted according to the rule laid down; and every vessel bound to Curracoa was captured by British cruizers and condemned by British courts.

Notwithstanding these extensive depredations of Great Britain, aggravated by the consideration that they were thus retrospective and ensnaring, the arrangement with the British minister Erskine was made without even bringing them into the negociation for the repeal of the orders in council, much less making indemnity for them a pre-requisite, which the law would not in fact have authorised.

In the late arrangement for the repeal of the French decrees, indemnity for the retrospective and insidious spoliations in France was not therefore made a condition; it was no more than what both law and impartiality required. In bringing the subject into the negociation and pressing it in the manner we have seen it done, the executive gave the strongest proof of zeal and exertion for the rights of the nation and the interests of the merchants,

and to make it a charge that more was not done, more even than the law justified, is as absurd as it is unjust.

In looking carefully over the extracts of the two letters of June 5 and July 5 to General Armstrong (which we should take for granted were written by the Secretary himself if Mr. Smith had not been Secretary) we perceive a struggle between an anxiety to extort from the occasion an indemnity for past wrongs and a security against future ones, and a respect for the law as well as for the rule of impartiality towards the two belligerents.

Mr. Smith has not given us the sequel of these two instructions to General Armstrong. We may suppose therefore, especially from the date of the latter, which seems most positive in its language, that they were not received in time to be used before the declaration of the repeal of the French decrees was made by the Duke of Cadore on the 5th of August. That declaration was understood by General Armstrong and by our Executive to be a compliance with the conditions of the act of Congress and binding as an arrangement on both sides; and was it to be set aside because it did not provide for the case of those retrospective spoliations? To have done so would have contravened the law and the policy of Congress; it would set up a rule in the arrangement with France different from what had been observed in the arrangement with England; and it would have led to the embarrassment of obliging the executive, in case the British government should be desirous of opening a free trade with the United States by repealing its orders, to make it a pre-requisite that Great Britain also should indemnify for her retrospective spoliations.

While Mr. Smith is dealing out his *retrospective* charges and insinuations the question again occurs, did he approve or disapprove himself the proclamation of November 2d, which closed the arrangement without any provision for indemnity? It is a question which can only puzzle him in its result? because as already intimated, whether he says *yes* or *no* or *both*, he will have the merit of consistency with what he has often said in society.

Much credit is claimed for the letter of June 1810, to Gen. Armstrong, as "*prepared*" by Mr. Smith, but

rejected by the President, and replaced by a substitute dictated by himself. This letter is believed not to have been written by Mr. Smith, but it is nevertheless entitled to the praise of being well written, as a calm argumentative communication. There are, however, particular passages and expressions which may help to account for its unfavorable reception by Mr. Madison. Take for example the following: " Had France interdicted to our vessels " all the ports within the sphere of her influence, and had " she given a warning of equal duration with that given " by our law, there would have been *no cause* of complaint " on the part of the United States." What! *no cause* of complaint! The United States, it is true, could not complain of it as a violation of their *neutral* rights and national sovereignty, obnoxious to the resentment of the other belligerent: but would it be consistent with friendship, with liberality, with reciprocity, with the spirit of common intercourse among civilized nations?

Compare this concession of Mr. Smith with his letter to Gen. Turreau *(equally prepared* by this wonderful statesman) in which such an exclusion of our trade is complained of as *essentially* unfriendly, as equivalent even to the two maritime decrees, and, if substituted for them, as being " *a change of the mode only, and not of the measure.*" And it is to be noted, that all the observations in this letter were required by the last paragraph to be presented to the French government.

But the best explanation of the non-adoption of this letter by the President is its deficiency in the expression of that " sensibility to the insults and injuries" to which it relates, and which Mr. Smith says he feels whenever it suits his purpose to insinuate that the President does not feel it.—The letter substitutes prolix argument for condensed, dignified animadversion. The reader must reflect too that this letter was to follow the one that had just been presented to the French government by General Armstrong on the same subject. It was of a character to dilute the spirit of his strictures; whereas the substitute, directed by the President, adopted the letter of Armstrong, and postponed farther animadversions till farther

intelligence, daily expected, might aid in adapting them to the actual state of things.

The last remark of Mr. Smith on this head is too frivolous for grave debate; it is that the President's substituted paragraph was intended for Mr. Armstrong himself. We all know, at least all of us that are in the habit of reading printed documents; that this is the usual course. The government puts its own sentiments into the hands of its minister, and leaves to his discretion the manner and the occasion proper for using them.

Article 5. Here transferred from the unmethodical place into which it was thrust between two articles closely connected in their subjects. It takes notice of the act making some regulations as to ministers and Barbary Consuls; and of all the articles of this wretched pamphlet, it is the most pitiful and insignificant. It does not rise even to the dignity of being wicked or treacherous, or impudent, or even false.—It seems introduced for no purpose but to mark the meagerness of the general subject and of the author's intellect. He says this law was a bad one; he says the President did not give it his negative; he says the President did not in the subsequent session recommend by a message its repeal; he says that he, Mr. Smith refused to speak to any of the members of the Legislature about it as he thought it an improper interfering of the executive officers with Legislative business.

Having collected all these wonderful discoveries from Mr. Smith's statement, we will just return them to him with one or two simple observations. We discover from the date of the law that it past on the very last evening of the session. It must then have come to the President at his chamber in the capitol with a number of other bills, some of them doubtless of infinitely more consequence. If he did not the next session send a formal message to recommend its repeal, it might have been because he thought it better that Congress should take up the subject at the instance of a member; and it was indeed well understood that a member of the senate, the very author of the first bill, had engaged to propose it. Formal messages or recommendations on every subject of legislation would multiply them to excess, and would not appear respectful to

the intelligence and vigilance of the members. Mr. Madison has probably gone farther in this than any of his predecessors. Every body knows that it always has been and ought to be the practice for informal communications between the executive and legislative members to take place, with an honest view to the dispatch of business.—Mr. Smith's squeamishness therefore on this head is a little curious; and he ought to have been very sure, before he averred it, that there are no members of Congress with better memories than himself.

Allowing him, however, the peculiar super-refined scruples to which he *now* makes pretensions, he was the more bound for that very reason to do what was necessary in the more regular course for effecting the public objects connected with his department. Yet he has not told us (and who will doubt that he would have told us if he could) that he discharged his duty by calling the attention of the President from time to time to the case of the six suffering functionaries, and to the expediency of recommending to Congress a revision of the act in question.

Art. 9. *Paragraph in the letter to Mr. Erskine.* This paragraph, he says, the President inserted with his own pen; and we believe it. But when he tells us that Robert Smith opposed it in the cabinet, we do not believe it. We will venture to say that Robert Smith never opposed any thing in the cabinet. He had not vigor of mind enough to support an argument, even on the right side of a question? Recollect the universal sensibility of the nation on this point, and that, without the insertion of this paragraph, Mr. Smith required for the murderous attack on the Chesapeake nothing more than the delivery of two native seamen who had been most shamefully and insultingly detained ever since the date of the transaction.—And yet, this is the man who boasts of his sympathy and sensibility to the honor of the nation.

But what has Mr. Smith to offer in extenuation of his guilt in that most attrocious breach of official confidence involved in his relation of the fact? This is doubtless the least excusable of all the crimes confessed in his crimeful pamphlet. Intrusted by his country to manage the most delicate transaction that could be confided to a

minister, a point of national honor, with a rival power, jealous, haughty, lavish in her insults, and frugal in her acts of justice; then to betray to that rival the secret discussions of his own cabinet on that very point of honor; this marks a turpitude of heart, or a blunted, muffled, wooden-headed power of penetration and feeling too disgraceful in itself to be able to disgrace the government it betrayed. Should this man renounce now his country as he has his honor, become a British subject, and take refuge at the court of London, he could not be expected to be trusted to carry a letter across the street.

Art. 10. Another instance of official treachery and mock sensibility. Mr. Madison with his own pen forbade the use of force in taking possession of West Florida against any particular place in possession of a Spanish garrison. And was he not bound to do so by law, by consistency, and by the truest policy?

Florida was to be occupied because it was out of the hands of the recognized possessor. A private citizen may take possession of his own property when it can be done without violence to the other party. Violence used by private citizens even in recovering their own, is a breach of peace, and contrary to the law of the land.—Using national force against Spain in granting possession of what we considered as our own, would have been a breach of peace, also, in the eye of the law of nations, and a contradiction of the principle and professions on which the order to occupy was founded. It would have been war; and was Mr. Smith of opinion that the executive had a right to make war.

It would have been impolitic, because it might have been displeasing to our neighbors of Spanish America; and the government of the Havanna might, under some unpropitious influence, have subjected the property of our merchants to some unfriendly proceedings.

Had this forbearance of the President not been used, and had such consequences ensued, the censure of Mr. Smith might have taken another turn; the honor of our arms might have been lost in a sympathy for our merchants, suffering from the incaution and usurpation of the executive, and his constitutional scruples might have

reminded him that it was for the legislature, not the executive, to declare war.

Perhaps, however, as there has been a session of Congress since the omission of the President to make war upon the Spanish garrison at Mobile, Mr. Smith may have offered his official advice to the President to recommend a rescue of the national arms from the humiliation to which the want of executive authority had exposed them, But perhaps, also, if this had been done by him it would not have escaped a place in his printed enumeration of his merits.

Art. 11. *Mr. Erving's accounts.*—We have read of ancient laws by which a calumniator who did not substantiate his accusations was adjudged to suffer the same punishment as the accused would have undergone, had the crimes been proved. Now as Mr. Smith labors to make it appear, *that the Secretary of State having intimated to Mr. Erving in* 1804, *by order of the President, that he might make a charge of two and a half per cent. in his accounts for all the awards received by him, and that the equity of his claim should be regularly brought before the government, is robbing the public and poor individuals ;* and as we can prove, from Mr. Smith and others, that neither individuals nor the government suffered by this just and reasonable compensation ordered by Mr. Jefferson to be allowed to Mr. Erving, and confirmed by Mr. Madison having been drawn out of the fund called the "*expense account*" created by the board of commissioners to reimburse the expenses incurred in the prosecution of the claims, we shall leave the public to judge, what ought to be the punishment of Mr. Smith for this atrocity, since such a law does not exist in our codes.

George W. Erving was appointed in the year 1801 by Mr. Jefferson consul for the port of London ; to which office was annexed the *law agency*, held before by Mr. Williams, the *commercial agency* held by Mr. Cabot, and the *agency for the protection of seamen* held by Mr. Lenox : for which offices he received only 2000 dollars a year, although the gentlemen who filled them before received together eight thousand five hundred dollars a year.

Mr. Jefferson, appreciating justly Mr. Erving's talents, and being well aware that 2000 dollars was no reward for his services; that sum not being sufficient to bear his expenses in London, he gave him the appointment of assessor to the board of commissioners then sitting in London under the seventh article of the British treaty.

On Mr. Erving's arrival in London, the board of commissioners refused to receive him as their assessor, and insisted on their right to appoint their own assessor; which they did accordingly by naming another person with a salary of 1500 dollars per annum, and an appropriate commission out of certain claims, which commission is said to have amounted to 24,000 dollars.

The progress of the public business being threatened with serious consequences from a contention which now arose between the assessor appointed by the President and the one appointed by the board, Mr. Erving, animated by that desire for the despatch of public business which so much distinguished him, withdrew his pretentions and contented himself with stating the affair to the President, throwing himself on his justice for such remuneration as he might think was due to him, representing at the same time, that he was then in the discharge of functions becoming every day more arduous and important and for which his predecessors received 3500 dollars annually.

The late President in consequence of these representations ordered Mr. Madison then Secretary of State, to say to Mr. Erving, *that the result of his reflections for the moment were*, that he might charge two and a half per cent on all the awards actually received and paid by him, that he might state this item in his account with the public; which would bring the equity of his claim before the government.

Does this look like defrauding the public? Does Mr. Smith intend to insinuate by his remarks on Mr. Madision's letter being a *private* one, that any thing unfair was meant either by him or Mr. Jefferson? Such an insinuation would be as absurd as base. The letter was a *private* answer to a *private* letter and could not possibly have any concealed effect, because it could have no effect,

but as a public voucher. There was every probability also that this affair would be brought to a final settlement during Mr. Jefferson's administration (the letter of Mr. Madison being dated in 1804) in which case the decision of Mr. Jefferson and not this letter would have been the authority for the allowance.

Thus it is seen, to the eternal disgrace of Mr. Smith, that the remuneration of two and a half per cent. amounting to 22,392 dollars which Mr. Erving was allowed to charge did not amount to an equivalent for the loss of the assessorship, and that calculating, it even as an additional annual compensation, as Mr. Smith has done, his salary fell short nearly 2,000 dollars per annum of what had been allowed his predecessors for performing the same functions.

It is proper here to observe, that all the officers of the treasury department allow Mr. Erving's accounts to be the most correct and satisfactory of any that have ever been exhibited to that department. This is highly honorable to Mr. Erving, particularly when it is known that upwards of a million and a half of dollars of public money passed through his hands. Those merchants of the United States who were witnesses to the promptitude and ability with which he brought forward and supported their claims have been uniform in their applause of Mr. Erving; and the board of commissioners, we have been told by one of them within these few days, were highly satisfied with his activity and vigilance; by which alone great sums were saved both to the government and citizens of the United States. This same gentleman assures us that the business of the board was greatly accelerated by Mr. E. and that the masterly manner in which he classed these claims and pursued them through the different stages must have established his reputation with the government, as it did with all those who had recourse to him as a man of *business*, of *integrity* and *talents*.

When in the December following that renowned epoch his *accession* to the Department of State, Mr. Smith made the *discovery* so very *distressing* to his feelings, that several American claimants under the British treaty had in vain presented their claims for payment because Mr. Erv-

ing had deducted two and a half per cent. from said claims, why did he not pursue his enquiry and discover, what would have relieved his distresses and gratified an honest Secretary of State, *that a great unclaimed surplus, (say 160,000 dollars) still remained in the Treasury* arising from deductions made by order of the board of commissioners from awards generally, for the purpose *of reimbursing to the United States* the expenses incurred in the prosecution of these claims. Why could not Mr. Smith *discover* that Mr. Erving, in closing his accounts with the government, had charged this two and a half per cent. to the "award account" instead of charging it to the "expense account," and that in order to adjust this error and render justice to Mr. Erving, to the government and to individuals, all that was wanting was an appropriation authorizing this sum of 22,392 dollars to be taken from the "award account" and placed to the expense account? Why did he not *discover* that in closing his accounts with the public Mr. Erving notes this item in these words, "Balance remaining in "my hands retained as a commission of two and a half "per cent. on awards received and paid by me, subject "however to the decision of government as per voucher," which voucher was no other than this identical private letter of the former Secretary of State? We know how every honest man will answer these questions.

But if this charge of two and a half per cent. was so heinous a crime, why did Mr. Erving's accounts pass? Were they not submitted to Mr. Smith, explained to his apparent satisfaction, signed and approved by him and sent to the Treasury, accompanied by a favourable letter? Did they not pass the Auditor's office, the Comptroller's office, and were they not reported on by Mr. Gallatin to the President and stated by him as "*correct in every respect*," and by the President, on a special call, laid before Congress, and there debated and passed? Yet, notwithstanding all this, and six months after these accounts have been thus adjusted, Mr. Smith works them into the silly memoirs of his own negativeness, for no other purpose than defaming his benefactor, the chief magistrate of the nation, whose stern integrity through a life of public service it was to have been expected no man of com-

mon honesty or common decency would have dared to impeach. Mr. Smith knew that Mr. Erving was four thousand miles off, and that the impression could be made to serve his purposes before that gentleman could reply. He did not dream that any person, for the pure love of justice, would take the pains, if he had the sagacity, to hunt up the following documents, which are inserted here, that the iniquity of the Secretary's insinuations might appear in their true colors.

REPORT.

Treasury Department, February 8th, 1811.

SIR,

I have the honor, in compliance with the resolution of the Senate of the 7th inst. to transmit a copy of the summary statement of George W. Erving's account in relation to awards under the 7th article of the British treaty. The commission of 2 1-2 per cent. is charged on *stg. l.* 217,009 9*s.* 6*d.* being the amount actually received by Mr. Erving, on account of claimants who had not appointed any special agent to prosecute their claims and receive the amount. The accounts themselves are voluminous, have passed the office of the auditor and comptroller, and are, as I am informed, correct in every respect.

There is another account rendered by Mr. Erving, to the Treasury, for a sum exceeding 55,000*l. stg.* and which is not sent, as it is not finally settled, and no commission is charged upon it. That sum consists of deductions made from the awards generally, by direction of the board of commissioners for the benefit of the United States, in order to reimburse them for expenses incurred in the prosecution of the claims. A portion was applied by Mr. Erving towards the discharge of the proctor's accounts, for which the United States had become responsible, and a balance exceeding 160,000 dollars was paid by him into the Treasury. It was from that fund, which was at the disposal of the President, for defraying the expenses incident to the prosecution of claims, that the compensation allowed to Mr. Erving should have been deducted. But

the unexpended balance of that fund having been carried to the surplus fund a new appropriation is necessary for the purpose of settling the account and repaying to the award fund, which belongs to individuals, the sum retained by Mr. Erving for the commission above mentioned.

There is no other information at the Treasury respecting Mr. Erving's services, but what results from the accounts and from the letter annexed to the enclosed statement. The services were altogether performed, in conformity with the instructions which he may have received from the department of state.

I have the honor to be, with the highest respect, sir, your obedient servant,

ALBERT GALLATIN.

The President of the United States.

LETTER

Washington, November 25, 1810.

TO ROBERT SMITH, SECRETARY OF STATE.

SIR,

It appears that the sum of 22,892 dollars 67 cents, which stands charged upon the "award account" of my agency in London, under the 7th article of the late British treaty, as compensation for my services in that agency, ought to have been charged against, and deducted by me out of that fund which was immediately applicable to the expenses incident to the execution of the said 7th article: hence a difficulty in point of form exists in adjusting the said "award account" at the treasury, which renders necessary a reference of the subject to the President, through your department.

As all the business under the said treaty was concluded previous to your coming into the department of state, and this special matter cannot therefore be familiar to you, permit me briefly to explain how this necessity has arisen.

The per centage of two and a half, which makes up the sum of 22,892 dollars 67 cents, charged as is above

mentioned, was so charged by authorization of the then secretary of state, given in consequence of a representation made by me in the year 1804. At that time, and during the whole period of my service in England, I held, by appointment of the President, three several offices of very great trust and responsibility, independent of the consulate of London, viz: 1st, the "law agency" of claims under the treaty; this had been previously held by Mr. Williams, at a salary of 2,500 dollars per annum; 2dly, the "commercial agency," under the same treaty, held by Mr. Cabot, at a salary of 2,500 dollars per annum; and 3dly, the agency for obtaining the discharge of seamen from the British navy, called "agency for the relief and protection of seamen," held by Mr. Lenox, at a salary of 3,000 dollars (or 3,500 dollars) per annum; of the whole of these salaries, making 8,000 dollars (or 8,500 dollars) per annum, I received only *two thousand dollars!* per annum; to the claimants under the treaty, I did not charge any commission; nor did I derive one cent of profit, in any shape or form, from the large sums of public and private monies which were constantly in my hands; in adjusting the proctor's accounts, I saved large sums of money to the government; these, together with the sums which I obtained from the board of commissioners, enabled me to reimburse to a great extent, if not wholly, the expenses which the United States had incurred under the 7th article of the treaty.

The important and profitable office of "assessor" to the board of commissioners, had been also conferred upon me by the President, and this had been intended as part of my compensation; but the board having asserted a right of apppointing its own "assessor," a conflict hence arose, which embarrassed the progress of the public business, and menaced very mischievous consequences; on this account I withdrew my pretentions, and the President acquiesed in those of the board. I cannot estimate that assessorship to have produced less than 6,000 *guineas* over and above the salary of 1,500 *dollars* per annum, which was attached to it!

All these matters having been fully submitted to the

secretary of state, in my representation above mentioned, and by him laid before the President, the President determined to allow me a suitable compensation; by his order, the secretary of state wrote to me in the month of November, 1804, the authorization before adverted to, which was in these words:

"Your observations on the reasonableness of some remuneration for your services have, as you wished, been submitted to the President. The result of his reflections for the present is, that I should suggest that you retain out of the next instalment, in its passage through your hands to the Barings, a per centage of two and a half on the awards ACTUALLY *received*, and to be received by you: and that you state it as an item in your account with the public. This will bring the equity of your claim regularly before the government, and will leave the way open for the choice of modes and funds, as may finally appear most proper."

The commission of two and a half per cent. herein allowed, as you will perceive, was not chargeable on all the awards made by the board of commissioners, but only on that portion of them, wherein I had been made *payee;* which reduced it in fact to a commission upon about one-third of the business which I did at the board; a commission to that extent, however, would have been a full compensation for the loss of the assessorship; but desirous of adhering to the strict letter of the secretary of state's instructions, I deducted only on that portion of the awards made payable to me, on which I finally received *payment* from the British government, which I suppose was only about two-thirds of the awards in which I was made payee, one-third of them having been previously transferred by me to the private agents of the respective awarders; so that in effect I had not more than about one half per cent. on the business which I did at the board of commissioners, (not to mention that which was done in the court of admiralty.) Thus this commission now stands charged, (pursuant to the strict letter of the instruction) against the awards on which I *received payment* of the English government, in what is called the "award account;" though

as it was in fact a compensation for the whole business transacted at the board, it might with propriety have been, and probably it should have been, deducted out of a sum of 160,000 dollars, paid by me into the treasury, upon what was called the "spoliation account." As the case stands, there has been carried to the public credit from the last mentioned account too much, by the amount of the commission; that fund of 160,000 dollars owes therefore, and should pay back to the "award fund," the same amount.

This is the point now submitted, and on which an explanation to the Secretary of the Treasury, from the Department of State, is requested.

I have the honor to be, sir, with the most perfect consideration and respect, your most obedient servant,

GEORGE W. ERVING.

And now, Mr. Smith, let us ask you, where did you get the original and duplicate of this private letter of Mr. Madison? Did you at last discover it in the office? Then it was a public document. Did Mr. Madison or Mr. Erving furnish you with a copy, or did you find it annexed to Mr. Erving's accounts as a public voucher? If you did, it proves that neither Mr. Madison nor Mr. Erving considered it in any other light than as a public document: for Mr. Erving, however, incomprehensible it may be to some people, is an officer of too high a sense of honor to divulge *confidential and private communication.*

The Appendix.—This is composed of a few extracts of letters, the publication of which will be quite harmless to all the world, unless it be to Mr. Smith; and to him they can be no otherwise detrimental than as a proof of his imbecility in publishing them; for of his laxity of principle in betraying confidence, both public and private, we could not want this additional proof.

He is now a servant out of place. And while he is offering himself for further service with the usual cry of *who wants me*, he naturally concludes that we shall require *a character* from his last place. Unluckily Mr. Smith, by this confession that he stood in need of a character, and this mode of raking one together, has taken a lower stand

in the scale of public estimation than we should have assigned him. We knew indeed his want of capacity; but did not suppose the fact would be put by himself in so glaring a point of light. What a pity, that during his eight or ten years of public service, he could not have done some useful thing; some one act that would mark him as a noun substantive, and enable him to stand alone. Ask Mr. Jefferson whether, on his retiring from the same department of state some years ago, *he* thought it necessary to print himself into our good opinion as a man of talents in business, by publishing scraps of old letters from his correspondents? And if he says yes, ask him if they were private and confidential letters, not intended for the public eye.

There is one little trick of deception that Mr. Smith attempts to play off upon us in this very act of hunting up a character. The mangled extract of Mr. Jefferson's letter of September 1810, is given us to create the belief that the letter was accompanied by the manuscript of a literary work, to be corrected and amended for the press. Robert Smith correct the writings of Thomas Jefferson! No, gentle reader: the work in question was an official document intended for publication, to be supported and elucidated, probably corrected, by facts deposited in the department of State; of which Mr. Smith was then the official and only depositary. He is called upon therefore, as a public officer, and not, thank God, as a man of letters.

We intended here to terminate our review of the pamphlet before us. But the accidental naming of Mr. Smith in connection with literature, recals a remark we had noted on two or three phrases which betray a want of acquaintance with the English language. He uses this expression more than once—'since my *accession* to the Department of State.' The word accession in this sense is only used in the regal stile, and signifies to come to the throne by hereditary succession. But when a man comes *even to a throne* by *election* or *appointment* of other men, or even by *conquest*, it would not be accession. We blame not Mr. Smith for any thing anti-republican in the phrase.

His ignorance of language will excuse him from this; it is a mere grammatical blunder.

Another little error of language we will notice in this place, that some of our newspaper editors as well as Mr. Smith may take warning; it is the error of using the auxiliary *will* instead of *shall*, in forming the first person of verbs in the future tense; as in these phrases, "I trust I ever *will* retain a just sense." "Then *will* we have to look for the fact." We should like to hear next of Mr. Smith's *accession* to a bench in a grammar school; in which case the word might apply, as he would come to that throne in his own right.

POSTSCRIPT.

The public is generally amused from time to time with certain ideas that get afloat, and pass current without much examination. Among these we have long noticed the erroneous supposition that the country is unprepared for defence, and that the conduct of the executive in this respect is feeble and insufficient.

On the first of these heads we will just observe that the United States in time of peace were never so well prepared for defence as now; though it is confessed that they are not so well as they might be. The number of arms, of cannon and other war like implements, was never so great as at present; and it is rapidly increasing. The army establishment has been augmented, the militia is better organized, armed, uniformed and disciplined, than heretofore, though not so well as it should be. The fortifications, particularly at New-York, are much more formidable than they ever have been. That port with the means now in operation, may be considered as pretty well secured.

Our little marine force is likewise more efficient than at any period of our history, except during the active preparations against France, in the years 1798 and 9.

On the second head we will say the President has generally, if not in every instance recommended stronger measures than Congress have adopted; and stronger than any of his predecessors, except perhaps in the short bustle, above alluded to, in the time of Mr. Adams.

In the notice taken of the statement of Mr. Smith respecting Mr. Erving's business in our last, a most material document was omitted, which we now publish, following it with a few remarks. We call the attention of our readers to this paper; the more particularly as Mr. Smith apparently relied very much on the effect of his uncandid statement of this case on the public mind. The papers following, are from printed congressional documents, which as already hinted in the review, it required no great *sagacity* to *discover*, as they are in the hands at least of every member of Congress and might have been obtained by any other person who chose to seek them.

IN SENATE.

February 7.

On motion by Mr. Franklin,

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, relative to the accounts of George W. Erving, for his services and compensation for attending the board of commissioners, established under the 7th article of the British treaty.

To the Senate of the United States.

I transmit to the Senate a report of the Secretary of the Treasury, complying with their resolution of the 7th instant.

JAMES MADISON.

February 11, 1811.

[Here followed the letters from the Secretary of the Treasury and from Mr. Erving, published in pages 27, 28, 29. 30 and 31. Attached to these was the following statement:]

DR. George W. Erving, his account current with the United States, in relation to Awards under the 7th article of the British treaty.

		L. Sterling	*s.*	*d.*	*Exchange.*	*Dolls.*	*Cents.*
To amount received by him from the British government, and others, on account of awards under the 7th article of the treaty with said government; per account rendered by himself herewith,	*L.* 217,009 3 9						
Deduct, paid by him to claimants, per the same account,	131,003 15 11	86,005	7	10	at par.	382,246	18
		86,005	7	10		382,246	18

CR.

		L. Sterling	*s.*	*d.*	*Exchange*	*Dolls.*	*Cents.*
By Baring, Brothers and Co. their account in relation to awards under the 7th article of the British treaty, for this sum being so much paid over to them, per report No.		36,076	5	1	at par.	160,338	90
By James Davidson, jun. agent for paying awards under the 7th article of the British treaty, for the sum, being so much paid on his draft of 60,000 pounds sterling, to Baring, Brothers and Co.		40,769	19	1	do.	181,197	80
By James Davidson, jun. agent for paying awards under the 7th article of the British treaty, for amount of a bill drawn by Degan and Purviance of Leghorn, on the Secretary of State, purchased by you and paid to him,	*Dolls.* 23,000 00						
Deduct for gain in exchange,	4,685 19						
	18,314 81	4,120	16	8	do.	18,314	81
By balance remaining in the hands of G. W. Erving, retained by him for commission, but which cannot be allowed until duly authorised,		5,038	7	0	do.	22,392	67
		86,005	7	10		382,246	18

Treasury Department,

Register's Office, November 7, 1810.

The above is a true copy of the original on file at this office.

For the Register,

(Signed) JOS. STRETCH.

Auditor's Office, Sept. 24, 1808. P. FERRALL.

Comptroller's Office, Sept. 30, 1808. ANDREW ROSS.

The above balance, heretofore suspended is to be admitted to Mr. Erving's credit.

Department of State, Dec. 1, 1810.

(Signed) R. SMITH.

Here, then, we find this very account of Mr. Erving, this identical allowance of extra compensation which filled the bosom of Mr. Smith with so much "surprize and regret," signed and passed by Mr. Smith, as Secretary of State, in December last.—Notwithstanding his pretended disgust at this transaction, he sanctioned it with his authority. We are aware that he or his friends may, and probably will say he was obliged to do it as Secretary of State, being to that effect instructed by the President. Be it so. And will Mr. Smith acknowledge that rather than resign his office, he consented to give the sanction of his name to a transaction which he in his pamphlet more than insinuates to have been *corrupt?* Where then slept the punctilious regard to the public interest which now consumes the breast of Mr. Smith? If he had such a horror of a transaction, which *twelve months* before he had "discovered" to be so iniquitous, how will he excuse himself, before the tribunal of the public, for not refusing to sign it, and neglecting an appeal to the constitutional organ of impeachment? But say that he only believed it an incorrect transaction; not corrupt or iniquitous; and therefore signed it as a matter of duty, in obedience to the direction of the President. Better still! Mr. Smith then has done precisely that which he charges Mr. Madison as a high misdemeanor, a sin against the people. Mr. Madison, whilst Secretary of State, authorizes the retention of the extra-compensation by direction of the then President; Mr. Smith, in the same station, sanctions its allowance at the Treasury in precisely the same manner. If Mr. Smith's insinuations are correct, he participates in the offence of which he accuses the President; if *he* have not acted criminally in his high office, then has he preferred a charge against Mr. Madison, demonstrated to be utterly baseless and unfounded.

THE END.

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